No. 03-23-00854-CV

In the Court of Appeals for the Third Judicial District Austin, Texas

IN RE OFFICE OF THE ATTORNEY GENERAL,

Relator.

On Petition for Writ of Mandamus to the
250th Judicial District Court, Travis County

PETITION FOR WRIT OF MANDAMUS

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"App." refers to the appendix to this petition. "MR." refers to the mandamus record filed concurrently with this petition.

Statement of the Case

Nature of the Underlying Proceeding:	Plaintiffs have asserted that the OAG violated the Texas Whistleblower Act, Tex. Gov't Code ch. 554, for terminating their employment in late 2020. MR.51-52. In February 2023, Plaintiffs and the OAG entered into a Mediated Settlement Agreement ("MSA"), resolving that litigation. MR.134-137. Upon a joint request by the parties attaching the MSA, the Supreme Court abated and removed the case from its docket. MR.140. Nevertheless, Plaintiffs now seek discovery, including the depositions of the Attorney General, the First Assistant Attorney General, the Chief of Staff, and a Senior Advisor to the Attorney General, regarding the merits of their now-settled claims. MR.179-201. OAG filed motions to enforce the MSA, MR.294-302, and to quash Plaintiffs' deposition notices, asserting that discovery—and particularly discovery of apex individuals—cannot be conducted in a settled case. MR.305-315.
Respondent:	250th Judicial District Court, Travis County The Honorable Jan Soifer
Respondent's Challenged Conduct:	Notwithstanding its ministerial duty to enforce the settlement agreement—which was filed with the relevant court as required by Rule 11—the trial court denied the OAG's Motion to Enforce the Rule 11 Settlement Agreement and granted Plaintiffs' Motion to Compel Depositions. MR.508, MR.509; App. F, G.

Statement Regarding Oral Argument

This Court has jurisdiction to issue a writ of mandamus to any trial-court judge within this judicial district who has clearly abused his or her discretion, and for which the aggrieved party has no adequate remedy on appeal. Tex. Gov't Code § 22.221(b); *Walker v. Packer*, 827 S.W.2d 833, 842 (1992) (orig. proceeding). This case presents a prototypical example of when such relief is appropriate: The trial court ignored a non-discretionary ministerial duty to enforce the parties' binding agreement under Rule 11 of the Texas Rules of Civil Procedure. *E.g.*, *Shamrock Psychiatric Clinic, P.A. v. Texas Dep't of Health & Hum. Servs.*, 540 S.W.3d 553, 560 (Tex. 2018) (per curiam). And it compounded that error by ignoring ordinary discovery rules and allowing Plaintiffs to skip directly to the depositions of high-level, executive agency officials without any effort to show that they can obtain through other sources any information they *might* theoretically need regarding the validity of the settlement agreement. *See In re American Airlines, Inc.*, 634 S.W.3d 38, 40 (Tex. 2021) (orig. proceeding) (per curiam); *Crown Cent. Petroleum Corp. v. Garcia*, 904 S.W.2d 125, 128 (Tex. 1995) (orig. proceeding). Either action would justify mandamus relief because discovery cannot be undone. Taken together, these actions make oral argument unnecessary.

Issues Presented

Whether OAG is entitled to mandamus relief to enforce the parties' Mediated Settlement Agreement under Texas Rule of Civil Procedure 11 and to prevent the depositions of high-level executive officials in this settled case.

To the Honorable Third Court of Appeals:

The facts relevant to this petition are well-known: Over three years ago, Plaintiffs sued the OAG for allegedly terminating four high-level political appointees in violation of the Texas Whistleblower Act. *See* Tex. Gov't Code ch. 554 (App. A). The details of the case have been splashed across the front page of every major newspaper in the country for the last three years, and events culminated when, in May 2023, the Texas House of Representatives impeached the Attorney General in part due to the OAG's settlement agreement with Plaintiffs over their longstanding claims. MR. 134-137. Despite the Attorney General's acquittal and the parties' binding settlement agreement, Plaintiffs insist they should be allowed to continue discovery as if that settlement never happened. Relevant here, Plaintiffs seek the depositions of Attorney General Ken Paxton, Jr., First Assistant Attorney General Brent Webster, the OAG's Chief of Staff Lesley French Henneke, and Senior Advisor to the Attorney General Michelle Smith. But the trial court has no authority to allow *any* discovery in an already-settled case, and it abused any discretion it theoretically could have exercised by permitting Plaintiffs to compel these depositions.

The trial court clearly abused its discretion in an at least two ways. *First*, the trial court failed to exercise its duty to enforce the MSA. MR.508. When the parties entered the agreement with the relevant court as required by Rule 11, MR.134-137; Tex.

R. Civ. P. 11 (App. B), the trial court lost all authority to allow discovery. Instead, it had—and still has—a non-discretionary ministerial duty to enforce the parties' agreement. *Shamrock*, 540 S.W.3d at 560; *see also, e.g.*, *Fortis Benefits v. Cantu*, 234 S.W.3d 642, 651 (Tex. 2007).

Assuming it maintained *any* discretion to allow some limited discovery, the trial court clearly abused that discretion in permitting Plaintiffs to compel nearly limitless depositions of high-level agency officials who fall within the "apex executive" doctrine without any showing that the deponents had "unique or superior knowledge of discoverable information," or that Plaintiffs ever "attempted less intrusive means of discovery." *See In re Am. Airlines, Inc.*, 634 S.W.3d 38, 41 (Tex. 2021) (orig. proceeding) (per curiam); MR.509-510. Indeed, Plaintiffs have even admitted that they do not know the scope of the proposed depositions or what testimony will be provided by some of the proposed deponents, but that the information they seek indisputably occurred after the facts underlying Plaintiffs' allegations. MR.559-561. And these depositions are clearly not about the Plaintiffs' underlying claims; the OAG's offer to convert the settlement agreement into a final judgment of the same amount was ultimately rebuffed. MR.524.

Moreover, the OAG has no adequate means for obtaining relief through the regular appellate process: The trial court's order robs the OAG of the benefit of the

parties' contract by incurring irrecoverable discovery costs and sacrificing certain confidentiality privileges—not to mention jeopardizing the OAG's ability to settle routine lawsuits. A mandamus should issue.[1]

STATEMENT

I. Factual Background

A. The Parties' Mediated Settlement Agreement

Plaintiffs sued the OAG alleging that their terminations from the agency violated the Texas Whistleblower Act. MR.1-65; *see also* App. A. More than two years later, in February 2021, both the OAG and Plaintiffs decided it was in their mutual interests to settle these allegations, and they executed the MSA on February 9, 2023 following a two-day mediation with Patrick Keel, a mediator mutually chosen by the parties. MR.134-137. The MSA, signed by sophisticated parties including plaintiff-attorneys represented by counsel, explicitly recites that it is a binding, enforceable "agreement under § 154.071 of the Texas Civil Practice & Remedies Code and Rule

[1] In the alternative, the OAG requests a writ of prohibition or injunction. Case law is admittedly unclear which writ is the appropriate remedy in this context. *E.g.*, *Holloway v. Fifth Court of Appeals*, 767 S.W.2d 680, 683 (Tex. 1989) (orig. proceeding) (injunction), *with Jones v. Strauss*, 745 S.W.2d 898, 900 (Tex. 1988) (per curiam) (prohibition). Regardless, "incorrect identity of the writ sought is of no significance." *City of Dallas v. Dixon*, 365 S.W.2d 919, 922 (Tex. 1963) (orig. proceeding), *rev'd on other grounds sub nom. Donovan v. City of Dallas*, 377 U.S. 408 (1964). The writs are generally considered "similar" except for the identity of the recipient. O'Connor's *Texas Civil Appeals* ch. 10-D § 2 (2020 ed.) (citing, *inter alia*, *Holloway*, 767 S.W.2d 683).

11 of the Texas Rules of Civil Procedure." MR. 135. Both "[p]arties and their attorneys thoroughly reviewed the document and made or had the opportunity to make any changes to it that the Parties desired." *Id.* The parties agreed to the following relevant terms:

- Mutual release of all claims;
- $3,300,000 settlement payment, with a portion of the money being structured as 27 months back pay to Plaintiff Vassar;
- Permanent removal of a press release from the OAG's website;
- Acknowledgment by the Attorney General that Plaintiffs acted in a manner they deemed to be correct when they initiated their lawsuit;
- No withdrawal of the Third Court of Appeals' opinion affirming the trial court's denial of the OAG's plea to the jurisdiction; and
- The OAG's promise to take whatever steps necessary to lift the abatement of Plaintiff Maxwell's State Office of Administrative Hearings ("SOAH") proceeding and to no longer contest his efforts to correct his F-5 report.

MR. 135-136.

Importantly, the parties expressly agreed that the OAG would pursue necessary approvals for funding, which would require legislative action. *Id.* Moreover, though at least one Plaintiff (Penley) publicly acknowledged that all Plaintiffs *wanted* to impose a timeframe for funding, the MSA contains no deadline to obtain the necessary legislative approvals or funding. MR.134-137. Ultimately, Plaintiffs agreed to execute and sign the MSA *fully aware* that it did not prescribe a deadline for funding the monetary portion of the settlement.

B. The OAG's Performance of the Parties' Agreement

The OAG has performed all the OAG's obligations under the MSA that the OAG can unilaterally perform:

- Pursuant to Item No. 2 of the MSA's list of considerations, the OAG promptly and permanently removed the referenced press release from its website, which had been available at https://www.texasattorneygeneral.gov/news/releases/ag-paxton-release-statement-recent-allegations;
- Pursuant to Item No. 3, the MSA contains a requested recital, which was filed in the public record and widely publicized;
- Pursuant to Item No. 4, the OAG has never asked that the Third Court of Appeals' opinion issued October 21, 2021 be withdrawn;
- Pursuant to Item No. 5, the parties jointly moved to lift the abatement in Plaintiff Maxwell's SOAH proceeding and to change his F5 report of separation;[2]
- Pursuant to Item No. 6, the OAG has presented the MSA to the Texas Legislature for approval and funding and has advocated for same. Approvals remain pending, but that is expressly contemplated by Item No. 6;
- Pursuant to Item No. 7, the OAG, jointly with Plaintiffs, notified the Supreme Court of Texas of the parties entering a settlement agreement and requested an abatement until all settlement papers have been finalized and funded; and
- Pursuant to Item No. 8, the OAG exchanged with Plaintiffs drafts of a formal settlement agreement.

Additionally, the OAG has offered to perform the remaining obligations, aside from payment, which it cannot perform absent approval of and funding by the Texas Legislature. MR.136. In particular, although the OAG cannot unilaterally perform Item

[2] SOAH subsequently entered an order to that effect.

No. 1, the OAG has offered to work with Plaintiff Vassar to the extent it can to help him accomplish his goal of increased state retirement benefits.

Plaintiffs have accepted all such consideration without reservation. And Plaintiffs have acknowledged, repeatedly and publicly, that this lawsuit is "settled." For example, on March 28, 2023, the OAG and Plaintiff Maxwell jointly filed a motion in Maxwell's separate SOAH proceedings that stated that "[t]he Parties have reached a settlement in this matter." Joint Mot. to Lift Abatement, *Maxwell v. Tex. Att'y Gen.'s Office*, Dkt. No. 407-21-1860 (SOAH, Mar. 28, 2023) (App. D). Indeed, that joint representation was the basis of the judge's conclusion that "Petitioner's F-5 Report should be changed to reflect that he was honorably discharged." SOAH Order at 2 (App. E). The judge dismissed the proceedings precisely because "the parties have settled all matters in dispute." *Id.*

C. Plaintiffs' Attempts to Modify the Parties' Agreement

Despite the parties' enforceable agreement and the OAG's consistent efforts to uphold its end of the bargain, Plaintiffs unilaterally moved the Texas Supreme Court to lift the agreed abatement of this case on March 8, 2023.[3] MR.141-149. Plaintiffs, unhappy with the MSA to which they agreed "of their own free will and without duress, relying on their own understanding of the agreement and the advice of their attorneys," MR.135, stated that they intended to withdraw from the MSA unless the

[3] Despite attempting to renegotiate the terms of the settlement on March 8, 2023, Plaintiff Maxwell represented to SOAH on March 28, 2023, that the case was "settled," and he accepted the benefit of his F-5 status report change (which cannot be undone). *See* App. D.

OAG agreed to add a new stipulation that the $3,300,000 be paid by the end of the 88th legislative session. MR.141-143. The OAG did not agree to add a new term to the MSA as the agreement was already final.

D. Procedural History

On September 25, 2023, following the full acquittal of the Attorney General in impeachment proceedings, Plaintiffs again asked the Texas Supreme Court to lift the abatement because the MSA had not yet been funded, and a final settlement agreement had not yet been signed. MR.161-165. The Supreme Court of Texas did so on September 29, 2023, denying the OAG's then-pending petition for review regarding the trial court's denial of a plea to the jurisdiction. MR.168. The Court did not explain whether it denied the OAG's petition based on the mootness of the question in light of the parties' binding MSA.

On October 26, 2023, the case was returned to the trial court. MR.169-170. On October 31, 2023, Plaintiffs served notice that they intended to subpoena records relating to the unsuccessful impeachment proceedings against the Attorney General from non-party Texas House of Representatives Board of Managers. MR.342-344 On November 3, 2023, Plaintiffs also served notices for the oral depositions of Attorney General Paxton, as well as non-parties Lesley French Henneke, Michelle Smith, and Brent Webster, two of whom are executive officials at the OAG. MR. 179-201.

Summary of the Argument

Mandamus relief is available where the trial court's error "constitute[s] a clear abuse of discretion," and the relator lacks "an adequate remedy by appeal." *Walker*, 827 S.W.2d at 839. Both elements are easily met here.

First, the trial court abused its discretion by permitting Plaintiffs to compel practically unlimited depositions of current OAG executives, including the Attorney General, in lieu of enforcing the parties' MSA. The MSA contains all material terms of a settlement agreement and is enforceable under Texas law. *See Padilla v. LaFrance*, 907 S.W.2d 454, 461 (Tex. 1995). Plaintiffs cannot revoke their consent to the MSA or dispute its validity because they *knowingly negotiated* the terms of the agreement and have *already accepted* benefits under it. Moreover, because the MSA was entered with the relevant court, the trial court has a non-discretionary, ministerial duty to enforce the parties' Rule 11 agreement. *See Shamrock*, 540 S.W.3d at 560; *Kanan v. Plantation Homeowner's Ass'n Inc.*, 407 S.W.3d 320, 328 (Tex. App.—Corpus Christ-Edinburg 2013, no pet.); *Fortis Benefits*, 234 S.W.3d at 651. The trial court's failure to fulfill that duty was a clear abuse of discretion.

The court further erred by ordering depositions of apex executive officials because they are unwarranted here as a matter of law. Because "[h]igh ranking government officials have greater duties and time constraints than other witnesses," and their "time is very valuable," *In re United States*, 985 F.2d 510, 512 (11th Cir. 1993), they are shielded from this type of discovery. Accordingly, courts should not "unnecessarily burden [officials] with compelled depositions." *In re U.S. Dep't of Educ.*,

25 F.4th 692, 701 (9th Cir. 2022). The Texas Supreme Court has held that this doctrine applies not only to the principal executive, here the Attorney General, but also "other official[s] at the highest level of [government] management," including the Attorney General's First Assistant and Chief of Staff. *See Crown Cent.*, 904 S.W.2d at 128; *accord In re Miscavige*, 436 S.W.3d 430 (Tex. App.—Austin 2014, orig. proceeding). Because Plaintiffs have failed to identify that the named deponents have unique knowledge regarding any issues that *may* theoretically remain open in this settled case, which is unavailable through other witnesses, the district court clearly abused its discretion in requiring the depositions to proceed.

Second, mandamus relief is necessary because the OAG has no effective remedy on appeal and is "in danger of permanently losing substantial rights." *In re Goodyear Tire & Rubber Co.*, 437 S.W.3d 923, 927 (Tex. App.—Dallas 2014, orig. proceeding) (citing *In re Van Waters & Rogers, Inc.*, 145 S.W.3d 203, 211 (Tex. 2004) (orig. proceeding) (per curiam)). Here, the OAG will lose not only the money, time, and resources imposed by improper discovery but also the benefit of *its* bargain in the settlement process—certainty. Once that damage is done, it cannot be undone. *See Brown & Gay Eng'g, Inc. v. Olivares*, 461 S.W.3d 117, 121 (Tex. 2015); *see also In re Millwork*, 631 S.W.3d 706, 714 (Tex. 2021) (orig. proceeding) (per curiam). Under these circumstances, mandamus relief is warranted.

ARGUMENT

I. The Trial Court Clearly Abused its Discretion by Ordering Apex-Level Discovery in this Settled Case.

The trial court's order meets the first mandamus element—a clear abuse of discretion—twice over. *First*, the trial court failed to perform its non-discretionary ministerial duty to enforce a binding settlement agreement, which had been entered with the court pursuant to Rule 11. *Second*, to the extent *any* discovery is appropriate (it is not), the trial court cannot order oral depositions of four of the highest-ranking officers in the agency—including Texas's duly elected Attorney General—without first requiring that Plaintiffs seek the same information through less intrusive means.

A. The trial court has a non-discretionary ministerial duty to enforce the MSA.

The Court should issue the writ because the trial court had no discretion to refuse to enforce the parties' binding settlement agreement. Under Rule 11 of the Texas Rules of Civil Procedure, a settlement agreement is judicially enforceable if its material terms are "in writing, signed and filed with the papers as part of the record." App. B; *see Cunningham v. Zurich Am. Ins. Co.*, 352 S.W.3d 519, 525 (Tex. App.–Fort Worth 2011, pet. denied). The requirements for a Rule 11 agreement are satisfied "when the terms of the agreement [are] dictated. . ., and the record reflect[s] who [is] present, the terms of the settlement, and the parties' acknowledgment of the settlement." *Cantu v. Moore*, 90 S.W.3d 821, 824 (Tex. App.—San Antonio 2002, pet. denied). Once those requirements are satisfied, trial courts have no

discretion: they have a ministerial duty to enforce a valid Rule 11 settlement agreement. *Shamrock*, 540 S.W.3d at 553; *Kanan*, 407 S.W.3d at 328; *Fortis Benefits*, 234 S.W.3d at 651.

Here, Plaintiffs decided to contractually settle their lawsuit through the MSA, which satisfies the requirements of an enforceable Rule 11 settlement agreement. *Trudy's Tex. Star, Inc. v. City of Austin*, 307 S.W.3d 894, 914 (Tex. App.—Austin 2010, no pet.). The material terms in a settlement agreement are a promise to pay or provide a specified thing in exchange for a release of liability. *Padilla*, 907 S.W. 2d at 461; *CherCo Props., Inc. v. Law, Snakard & Gambill, P.C.*, 985 S.W.2d 262, 265 (Tex. App.—Fort Worth 1999, no pet.). The MSA indisputably contains a promise to provide both non-monetary and monetary consideration in exchange for a release of liability. *Supra* pp. 3-4. Further, the MSA is a written document based on the agreement of the parties and overseen by the mediator, which provides the terms of the settlement, the parties' acknowledgment of the settlement, and signatures on behalf of all parties. And the OAG filed the parties' signed MSA with the Texas Supreme Court, MR.134-137, and with the trial court, MR.172-176, satisfying Rule 11's filing requirement. That MSA-turned-Rule-11-agreement does not impose a deadline by which funding must be obtained—notwithstanding one Plaintiff's subsequent admission that Plaintiffs contemplated such a limitation. *Supra* p. 4.

Plaintiffs are obviously now unhappy with the terms of the contract they signed, but that is no excuse to rewrite it. Plaintiffs were indisputably aware—if for no other reason than that the MSA expressly references it—that enforcement of the MSA

was dependent "upon all necessary approvals for funding." MR.135-136. And as former high-ranking members of OAG—three of them lawyers themselves whose duties include interacting with the Texas Legislature and who were familiar with the legislative process—Plaintiffs should also have been aware that settlement funding must be included in legislation authored every session to make payments on debts and obligations owed by the State pursuant to the Miscellaneous Claims Act. Tex. Gov't Code 403.074. And, like any legislation, settlement funding can take more than one session to pass. Indeed, the Miscellaneous Claims Act itself contemplates payments up to "eight years from the date on which the claim arose." *Id.* § 403.074(e). Moreover, plaintiffs knew or should have known that the process of seeking an appropriation to fund a settlement under the Miscellaneous Claims Act begins early in a legislative session with a Legislative Budget Board request to all state agencies ordinarily sent in January requesting submission of such claims. Accordingly, like any piece of legislation pursued in the first instance in the dwindling months of a legislative session, Plaintiffs knew or should have known it was possible that the OAG—acting in good faith—would not be able to secure funding until it had the benefit of a full legislative session to fully engage the appropriation process.

Further, under the Texas Constitution, no timing provision can be imposed upon the Texas Legislature for any appropriation. *See* Tex. Const. art. VIII, § 6 (App. C). Even if a time limit was constitutionally permissible, Plaintiffs represented that that they "and their attorneys thoroughly reviewed the document," MR.135, so they can hardly claim to be surprised that none exists here.

Texas courts enforce agreements requiring third-party funders, even if the funding has no deadline. *See Calpine Producer Servs., L.P. v. Wiser Oil Co.*, 169 S.W.3d 783, 784 (Tex. App.—Dallas 2005, no pet.). For example, the Houston Court enforced a settlement agreement in a case with strikingly similar issues. *Clear Lake City Water Auth. v. Kirby Lake Dev., Ltd.*, 123 S.W.3d 735 (Tex. App.—Houston [14th Dist.] 2003, pet. denied). Specifically, a local water authority failed to make payments on construction costs when a bond sale failed to be approved by voters. *Id.* at 740-42. In upholding the enforceability of the parties' agreements, the Fourteenth District Court of Appeals ruled the contracts unambiguously required Clear Lake Water Authority to "reimburse the developers only with voter-approved bond funds that were legally available and allocated for that purpose." *Id.* at 744. "[T]he failure of the condition precedent [of payment] at a given time," the court explained, "does not result in a forfeiture," of the developer's "right to receive payment"—"only a delay in payment." *Id.* at 745. "The Authority is not excused from performing its obligation to pay when voters do not, in a particular election, approve the sale of bond funds to pay [the developers]; its obligation to pay simply does not arise at that time." *Id.* The court further held that even if "it may have appeared highly unlikely, at the time [the developers] entered these contracts, that the voters would not approve a bond sale is no reason to rewrite the plain language of the contracts." *Id.*

The same principles apply here. The OAG does not dispute that it remains obligated to make payment under the MSA. But, by law, there is only one entity that can approve and fund such payment: the Legislature. *See, e.g.* App. C ("No money shall be drawn from the Treasury but in pursuance to a specific appropriation.").

Because the MSA is binding and enforceable, the trial court had no choice: It had (and still maintains) a non-discretionary ministerial duty to hold Plaintiffs to the terms of that agreement and reject any further discovery in this settled lawsuit. *Fortis Benefits*, 234 S.W.3d at 651; *Fastracked Exec., LLC*, No. 01-20-00735-CV, 2022 WL 2068817, at *10-11 (Tex. App.–Houston [1st Dist.] June 9, 2022, no pet.) (mem. op.). The trial court's decision to nonetheless order nearly unlimited depositions regarding the underlying merits of this suit was a clear abuse of discretion, which deprives the OAG of the benefits of the parties' contract.

B. The Attorney General and high-level agency officers are apex executives not subject to deposition.

The nature of the discovery ordered—oral depositions of the Attorney General and his highest-ranking aides—both compounded the initial error and represented a second clear abuse of discretion. It has been well-established law for decades that even before a case is settled, a trial court examining a request to depose an executive or other "high-level" officer, "'should first determine whether the party seeking the deposition has arguably shown that the official has any unique or superior personal knowledge of discoverable information,'" *and* has made "a good faith effort to secure discovery through less intrusive methods." *Am. Airlines*, 634 S.W.3d at 40 (quoting *Crown Cent.*, 904 S.W.2d at 128); *see also, e.g.*, *Freedom From Religion Found., Inc. v. Abbott*, No. A-16-CA-00233, 2017 WL 4582804, at *11 (W.D. Tex. Oct. 13, 2017). If such a showing is not made, "the trial court must grant a protective order and 'first require the party seeking the deposition to attempt to obtain the discovery through less intrusive methods.'" *Am. Airlines*, 634 S.W.3d at 40. Only

"[s]hould these avenues be exhausted, and the plaintiff makes a colorable showing of good cause that the high-level official possesses necessary information to the case," does the trial court have the discretion to allow the depositions. *Crown Cent.*, 904 S.W.2d at 128 (quoting *Liberty Mut. Ins. v. Superior Court*, 13 Cal. Rptr.2d 363, 367 (1992)).

The prohibition on apex depositions applies with equal force, and for the same reasons explained by the Texas Supreme Court, to high-level governmental officials, not just constitutional officers. *See In re City of McAllen*, 677 S.W.3d 746, 748 (Tex. App.—Corpus Christ-Edinburg 2023, orig. proceeding) ("the trial court abused its discretion by ordering the Mayor and a Commissioner to personally attend mediation"). Moreover, in *American Airlines*, 634 S.W.3d at 41, the Texas Supreme Court made it clear that protection from apex depositions is not limited to a CEO-level individual but also includes highly placed members of the management team. *See also In re BP Prods. N. Am., Inc.*, 244 S.W.3d 840, 842 n.2 (Tex. 2008) (orig. proceeding) (applying the apex-deposition guidelines to "senior corporate official[s]," not merely the CEO).

Courts around the country have repeatedly recognized that these procedural limitations are critical because "[h]igh ranking government officials have greater duties and time constraints than other witnesses." *In re United States*, 985 F.2d at 512. And good "public policy requires that the time and energies of public officials be conserved for the public's business to as great an extent as may be consistent with the ends of justice in particular cases." *Monti v. Vermont*, 563 A.2d 629, 631 (Vt. 1989) (quoting *Cmty. Fed. Sav. & Loan Ass'n v. Fed. Home Loan Bank Bd.*, 96 F.R.D.

619, 621 (D.D.C. 1983)). Without limiting the circumstances in which they can be required to testify, such officials could spend an "inordinate amount of time tending to pending litigation." *Bogan v. City of Boston*, 489 F.3d 417, 423 (1st Cir. 2007). "In short, the executive branch's execution of the laws can be crippled if courts can unnecessarily burden [officials] with compelled depositions." *In re U.S. Dep't of Educ.*, 25 F.4th 692, 701 (9th Cir. 2022).

Yet the trial court entirely disregarded these bedrock principles. The Attorney General is the final policymaker for all activities of the OAG, which is established to allow the elected Attorney General to discharge his constitutional duties of office. Brent Webster is the First Assistant Attorney General—the second-highest ranking official for the OAG and the individual statutorily empowered to act in the Attorney General's stead if he is unavailable.[4] *See* Tex. Gov't Code Sec. 402.001(a). Lesley French Henneke is the OAG's Chief of Staff, overseeing much of the day-to-day administrative operations of an office of approximately 4,000 employees.[5] It is beyond reasonable argument that these individuals are "other official[s] at the highest

[4] Mr. Webster was not employed by the OAG when the events underlying this litigation occurred, and Plaintiffs' have failed to articulate why his testimony would otherwise assist in resolving their claims.

[5] The OAG maintains that all four of the proposed deponents are shielded from discovery under the apex executive doctrine. *See* MR.349; MR.501. Of the four proposed deponents, Michelle Smith is the only one who is not among the five individuals listed on Attorney General Paxton's "Leadership Team." *See* https://www.texasattorneygeneral.gov/about-office/ken-paxtons-leadership-team. She is, however, still a Senior Advisor to the Attorney General. And, perhaps more importantly, it is hard to see what evidence she could have relevant to the underlying facts that would reflect unique insights or personal knowledge superior to that of other individuals.

level of [government] management" of the OAG. *See Crown Cent.*, 904 S.W.2d at 128; *see also In re Miscavige*, 436 S.W.3d 430.

Accordingly, the trial court should have issued a protective order prohibiting these specific depositions because it should have "first determine[d] whether the party seeking the deposition ha[d] arguably shown that the official has any unique or superior personal knowledge of discoverable information." *Crown Cent.*, 904 S.W.2d at 128. If Plaintiffs could not show that, the trial court then should have "require[d] [Plaintiffs] to attempt to obtain the discovery through less intrusive methods." *Id.* Nothing of the sort happened here. To the contrary, as soon as the Texas Supreme Court lifted the abatement, Plaintiffs seemingly noticed depositions of the highest-ranking officers they could think of. Plaintiffs have never identified what information they consider relevant now that their claims have been settled; they certainly have not shown that other, non-executive employees are unable to provide that information. *Supra* p. 16, n.5. Because the trial court's contrary decision "acts without reference to guiding rules or principles" and is both "arbitrary" and "unreasonable," the "first requirement for mandamus to issue—an abuse of discretion—is fulfilled." *In re Garza*, 544 S.W.3d 836, 840 (Tex. 2018) (orig. proceeding) (per curiam) (granting mandamus relief in the context of a discovery-sanctions order).

For example, the OAG's Director of Human Resources, Henry De La Garza, testified during the recent impeachment trial regarding the circumstances of Plaintiffs' terminations. And Shelli Gustafson, a Senior Human Resources Administrator, was interviewed during the pre-impeachment investigations because of her direct knowledge of Plaintiffs' terminations. Ms. Smith was not employed by the OAG when the events underlying this litigation occurred; she did not testify during the impeachment proceedings and was never mentioned at that trial.

II. Mandamus Relief is Appropriate Because No Effective Remedy is Available on Appeal.

The OAG also easily meets the second requirement of mandamus relief: Because the error here is litigation itself, there is no adequate remedy for the trial court's unlawful action by ordinary appeal following final judgment. "No specific definition captures the essence of or circumscribes what comprises an 'adequate' remedy" on appeal. *In re Miller*, 603 S.W.3d 200, 202 (Tex. App.–Waco 2020, no pet.) (Davis, J., dissenting). Instead, "the term is 'a proxy for the careful balance of jurisprudential considerations,' and its meaning 'depends heavily on the circumstances presented.'" *Id.* (quoting *In re Prudential Ins. Co.*, 148 S.W.3d 124, 138 (Tex. 2004) (orig. proceeding)). Courts have also recognized that mandamus is an appropriate remedy when a party is "in danger of permanently losing substantial rights." *In re Goodyear Tire & Rubber Co.*, 437 S.W.3d 923, 927 (Tex. App.—Dallas 2014, orig. proceeding) (citing *In re Van Waters & Rogers*, 145 S.W.3d at 211). Moreover, "[w]hile mandamus 'is not an equitable remedy, its issuance is largely controlled by equitable principles'" that work to preserve a party's rights. *Am. Airlines*, 634 S.W.3d at 42 (quoting *Rivercenter Assocs. v. Rivera*, 858 S.W.2d 366, 367 (Tex.1993) (orig. proceeding)). Mandamus relief here does both: it preserves the OAG's rights in this specific MSA. But, perhaps more importantly, it serves broader principles of equity by providing certainty to all parties entering a settlement with a government entity.

A. To start, mandamus relief will preserve the OAG's rights in this suit in two significant ways. *First*, absent immediate relief, the OAG will lose its right to certain

confidentiality privileges. By their nature, Plaintiffs' claims may require delving into the decision-making process of the State's chief legal officer and his most senior staff. Accordingly, the information that might be discussed during the proposed depositions will also inherently implicate numerous confidentiality laws and evidentiary privileges—*e.g.*, attorney-client privilege, the attorney-work-product doctrine, and the deliberative-process privilege. Many of these privileges "belong[] to the client," not the attorney. *Carmona v. State*, 947 S.W.2d 661, 663 (Tex. App.—Austin 1997, no pet.).[6] In this case, that client is the State—not Plaintiffs or the Attorney General. Because disclosure vitiates the State's privileges, adverse privilege holdings may be appealed through petitions for writs of mandamus. *See, e.g.*, *In re Christus Santa Rosa Health Sys.*, 492 S.W.3d 276, 279 (Tex. 2016) (orig. proceeding).

Second, and more fundamentally, the OAG will lose the primary benefit that any defendant seeks in settling a lawsuit: certainty. By settling the case, the OAG—like any defendant—sought to avoid the monetary and non-monetary costs of taking this case through discovery and trial to final judgment. Because such costs cannot be recouped, the Supreme Court has repeatedly stated that "[m]andamus relief is available when the trial court compels production beyond the permissible bounds of dis-

[6] The deliberative-process privilege, which protects a government official's ability to seek advice from his subordinates, may be an exception. But it presents its own complications because it involves multiple, overlapping areas of law. *Arlington ISD v. Tex. Att'y Gen.*, 37 S.W.3d 152, 158 (Tex. App.—Austin 2001, no pet.) (discussing how federal and state law regarding the deliberative process privilege overlap but are not coextensive).

covery." *In re Weekley Homes LP*, 295 S.W.3d 309, 322 (Tex. 2009) (orig. proceeding) (citing *In re Am. Optical Corp.*, 988 S.W.2d 711, 714 (Tex. 1998) (orig. proceeding) (per curiam)); *see also, e.g.*, *In re Contract Freighters, Inc.*, 646 S.W.3d 810, 815 (Tex. 2022) (orig. proceeding) (per curiam); *citing inter alia In re Ford Motor Co.*, 427 S.W.3d 396, 397 (Tex. 2014) (orig. proceeding) (per curiam); *In re Dana Corp.*, 138 S.W.3d 298, 302 (Tex. 2004) (orig. proceeding) (per curiam).

Here, because the bounds of any discovery are inherently limited by the parties' existing MSA, the ordered discovery is vastly overbroad. "Requests must show a reasonable expectation of obtaining information that will aid the dispute's resolution." *Contract Freighters*, 646 S.W.3d at 814. These discovery requests presumably relate to whether the Plaintiffs were improperly fired in violation of the Whistleblower Act. MR.51-52; *see also* App. A. That dispute does not *need* to be resolved. The MSA already did that. As a result, any request for additional discovery is improper. *Supra* pp. 13-16. And these depositions are particularly costly in terms of both time and treasure because they are not limited in time, scope, or subject matter, and they will require the Attorney General and his most senior staff to both prepare for and answer questions regarding highly sensitive, often privileged matters. If it was unduly burdensome to require a city mayor to sit for a deposition in an ongoing piece of litigation, *City of McAllen*, 677 S.W.3d at 748, it cannot be proper to require the duly elected Attorney General and his senior staff to do so in a *settled* lawsuit.

B. Apart from and in addition to the costs in *this* case, the trial court's error will broadly impact Texans across the State. What happened here could happen in

literally any significant case in which the defendant is a State entity. As the OAG explained to the Supreme Court (and which Plaintiffs have never contested):

> [A]lthough the General Appropriations Act has typically provided for funding of relatively small settlements or judgments, the amounts demanded by respondents far exceed that figure. *See, e.g.*, Gen. Appropriations Act § 16.04, S.B.1 (87th Leg.) (2021) (allowing "payment or judgment [that] may not exceed $250,000"); Gen. Appropriations Act § 16.04, S.B.1 (86th Leg.) (2019) (same). Requests for such special appropriations—particularly large appropriations—typically must be made *before the Legislature convenes* to maximize their likelihood of success.

MR.154. As a result, *every* settlement over $250,000 carries a risk that the Legislature may not choose to fund the settlement in a given year—particularly if the request is made, as here, in the middle of the legislative session. *Supra* p. 11.

The costs to judicial economy of continued litigation over valid MSAs will be significant. If MSAs entered with the court become ineffective simply because they are not immediately funded, settlement agreements will lack any certainty. And valuable judicial resources will be spent resolving discovery disputes, motions, and trial proceedings in *already settled cases*. Moreover, this uncertainty and waste will surely undermine public trust in the court-mediation process and impede the State's ability to settle lawsuits—a mechanism that allows the OAG to serve Texans in an efficient and cost-effective manner. After all, Rule 11 "is an effective tool for finalizing settlements" *precisely* so "that the agreements themselves do not become sources of controversy." *Kanan*, 407 S.W.3d at 327 (citing *Knapp Med. Ctr. v. De La Garza*, 238 S.W.3d 767, 768 (Tex. 2007) (per curiam)).

Here, Plaintiffs would deprive not just the State but any party that contracts with the State of the benefits of their bargain. Here, the MSA affects only the OAG and Plaintiffs. But state settlements can often involve numerous parties with complicated, interlocking undertakings that involve various interests. No one would enter such negotiations if Plaintiffs are correct that anyone can revoke such an agreement at any time so long as the Legislature has not fully funded the settlement. The State cannot afford, and equity should not countenance, such an outcome.

Prayer

The Court should grant the petition and order the trial court to enforce the parties' settlement agreement and quash Plaintiffs' notices of oral depositions, or, alternatively set reasonable limitations on the time, scope, and subject matter of the depositions.

Respectfully submitted.

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Mandamus Certification

Pursuant to Texas Rule of Appellate Procedure 52.3(j), I certify that I have reviewed this petition and that every factual statement in the petition is supported by competent evidence included in the appendix or record. Pursuant to Rule 52.3(k)(1)(A), I certify that every document contained in the appendix is a true and correct copy.

/s/ Lanora C. Pettit
Lanora C. Pettit

Certificate of Service

On December 22, 2023, this document was served electronically on Thomas A. Nesbitt, lead counsel for Plaintiff James Blake Brickman, via tnesbitt@dnaustin.com; Don Tittle, counsel for Plaintiff J. Mark Penley, via don@dontittlelaw.com; T.J. Turner, counsel for Plaintiff David Maxwell, via tturner@cstrial.com; and Joseph R. Knight, counsel for Plaintiff Ryan M. Vassar, via jknight@ebbklaw.com.

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Lanora C. Pettit

Certificate of Compliance

Microsoft Word reports that this brief contains 6,024 words, excluding the portions of the brief exempted by Rule 9.4(i)(1).

/s/ Lanora C. Pettit
Lanora C. Pettit

No.___

In the Court of Appeals for the Third Judicial District Austin, Texas

IN RE OFFICE OF THE ATTORNEY GENERAL,

Relator.

On Petition for Writ of Mandamus to the
250th Judicial District Court, Travis County

RELATOR'S APPENDIX

Tab A: Texas Whistleblower Act, Tex. Gov't Code Ch. 554

GOVERNMENT CODE

TITLE 5. OPEN GOVERNMENT; ETHICS

SUBTITLE A. OPEN GOVERNMENT

CHAPTER 554. PROTECTION FOR REPORTING VIOLATIONS OF LAW

Sec. 554.001. DEFINITIONS. In this chapter:

(1) "Law" means:

(A) a state or federal statute;

(B) an ordinance of a local governmental entity; or

(C) a rule adopted under a statute or ordinance.

(2) "Local governmental entity" means a political subdivision of the state, including a:

(A) county;

(B) municipality;

(C) public school district; or

(D) special-purpose district or authority.

(3) "Personnel action" means an action that affects a public employee's compensation, promotion, demotion, transfer, work assignment, or performance evaluation.

(4) "Public employee" means an employee or appointed officer other than an independent contractor who is paid to perform services for a state or local governmental entity.

(5) "State governmental entity" means:

(A) a board, commission, department, office, or other agency in the executive branch of state government, created under the constitution or a statute of the state, including an institution of higher education, as defined by Section 61.003, Education Code;

(B) the legislature or a legislative agency; or

(C) the Texas Supreme Court, the Texas Court of Criminal Appeals, a court of appeals, a state judicial agency, or the State Bar of Texas.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.
Amended by Acts 1995, 74th Leg., ch. 721, Sec. 1, eff. June 15, 1995.

Sec. 554.002. RETALIATION PROHIBITED FOR REPORTING VIOLATION OF LAW. (a) A state or local governmental entity may not suspend or terminate the

employment of, or take other adverse personnel action against, a public employee who in good faith reports a violation of law by the employing governmental entity or another public employee to an appropriate law enforcement authority.

(b) In this section, a report is made to an appropriate law enforcement authority if the authority is a part of a state or local governmental entity or of the federal government that the employee in good faith believes is authorized to:

(1) regulate under or enforce the law alleged to be violated in the report; or

(2) investigate or prosecute a violation of criminal law.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993. Amended by Acts 1995, 74th Leg., ch. 721, Sec. 2, eff. June 15, 1995.

Sec. 554.003. RELIEF AVAILABLE TO PUBLIC EMPLOYEE. (a) A public employee whose employment is suspended or terminated or who is subjected to an adverse personnel action in violation of Section 554.002 is entitled to sue for:

(1) injunctive relief;

(2) actual damages;

(3) court costs; and

(4) reasonable attorney fees.

(b) In addition to relief under Subsection (a), a public employee whose employment is suspended or terminated in violation of this chapter is entitled to:

(1) reinstatement to the employee's former position or an equivalent position;

(2) compensation for wages lost during the period of suspension or termination; and

(3) reinstatement of fringe benefits and seniority rights lost because of the suspension or termination.

(c) In a suit under this chapter against an employing state or local governmental entity, a public employee may not recover compensatory damages for future pecuniary losses, emotional pain, suffering, inconvenience, mental anguish, loss of enjoyment of life, and other nonpecuniary losses in an amount that exceeds:

(1) $50,000, if the employing state or local governmental entity has fewer than 101 employees in each of 20 or more calendar weeks in the calendar year in which the suit is filed or in the preceding year;

(2) $100,000, if the employing state or local governmental entity has more than 100 and fewer than 201 employees in each of 20 or more calendar weeks in the calendar year in which the suit is filed or in the preceding year;

(3) $200,000, if the employing state or local governmental entity has more than 200 and fewer than 501 employees in each of 20 or more calendar weeks in the calendar year in which the suit is filed or in the preceding year; and

(4) $250,000, if the employing state or local governmental entity has more than 500 employees in each of 20 or more calendar weeks in the calendar year in which the suit is filed or in the preceding year.

(d) If more than one subdivision of Subsection (c) applies to an employing state or local governmental entity, the amount of monetary damages that may be recovered from the entity in a suit brought under this chapter is governed by the applicable provision that provides the highest damage award.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.
Amended by Acts 1995, 74th Leg., ch. 721, Sec. 3, eff. June 15, 1995.

Sec. 554.0035. WAIVER OF IMMUNITY. A public employee who alleges a violation of this chapter may sue the employing state or local governmental entity for the relief provided by this chapter. Sovereign immunity is waived and abolished to the extent of liability for the relief allowed under this chapter for a violation of this chapter.

Added by Acts 1995, 74th Leg., ch. 721, Sec. 4, eff. June 15, 1995.

Sec. 554.004. BURDEN OF PROOF; PRESUMPTION; AFFIRMATIVE DEFENSE. (a) A public employee who sues under this chapter has the burden of proof, except that if the suspension or termination of, or adverse personnel action against, a public employee occurs not later than the 90th day after the date on which the employee reports a violation of law, the suspension, termination, or adverse personnel action is presumed, subject to rebuttal, to be because the employee made the report.

(b) It is an affirmative defense to a suit under this chapter that the employing state or local governmental entity would have taken the action against the employee that forms the basis of the suit based solely on information, observation, or evidence that is not related to the fact that the employee made a report protected under this chapter of a violation of law.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.
Amended by Acts 1995, 74th Leg., ch. 721, Sec. 5, eff. June 15, 1995.

Sec. 554.005. LIMITATION PERIOD. Except as provided by Section 554.006, a public employee who seeks relief under this chapter must sue not later than the 90th day after the date on which the alleged violation of this chapter:

(1) occurred; or

(2) was discovered by the employee through reasonable diligence.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Sec. 554.006. USE OF GRIEVANCE OR APPEAL PROCEDURES. (a) A public employee must initiate action under the grievance or appeal procedures of the employing state or local governmental entity relating to suspension or termination of employment or adverse personnel action before suing under this chapter.

(b) The employee must invoke the applicable grievance or appeal procedures not later than the 90th day after the date on which the alleged violation of this chapter:

(1) occurred; or

(2) was discovered by the employee through reasonable diligence.

(c) Time used by the employee in acting under the grievance or appeal procedures is excluded, except as provided by Subsection (d), from the period established by Section 554.005.

(d) If a final decision is not rendered before the 61st day after the date procedures are initiated under Subsection (a), the employee may elect to:

(1) exhaust the applicable procedures under Subsection (a), in which event the employee must sue not later than the 30th day after the date those procedures are exhausted to obtain relief under this chapter; or

(2) terminate procedures under Subsection (a), in which event the employee must sue within the time remaining under Section 554.005 to obtain relief under this chapter.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.
Amended by Acts 1995, 74th Leg., ch. 721, Sec. 6, eff. June 15, 1995.

Sec. 554.007. WHERE SUIT BROUGHT. (a) A public employee of a state governmental entity may sue under this chapter in a district court of the county in which the cause of action arises or in a district court of Travis County.

(b) A public employee of a local governmental entity may sue under this chapter in a district court of the county in which the cause of action arises or in a district court of any county in the same geographic area that has established with the county in which the cause of action arises a council of governments or other regional commission under Chapter 391, Local Government Code.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.
Amended by Acts 1995, 74th Leg., ch. 721, Sec. 7, eff. June 15, 1995.

Sec. 554.008. CIVIL PENALTY. (a) A supervisor who in violation of this chapter suspends or terminates the employment of a public employee or takes an adverse personnel action against the employee is liable for a civil penalty not to exceed $15,000.

(b) The attorney general or appropriate prosecuting attorney may sue to collect a civil penalty under this section.

(c) A civil penalty collected under this section shall be deposited in the state treasury.

(d) A civil penalty assessed under this section shall be paid by the supervisor and may not be paid by the employing governmental entity.

(e) The personal liability of a supervisor or other individual under this chapter is limited to the civil penalty that may be assessed under this section.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.
Amended by Acts 1995, 74th Leg., ch. 721, Sec. 8, eff. June 15, 1995.

Sec. 554.009. NOTICE TO EMPLOYEES. (a) A state or local governmental entity shall inform its employees of their rights under this chapter by posting a sign in a prominent location in the workplace.

(b) The attorney general shall prescribe the design and content of the sign required by this section.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.
Amended by Acts 1995, 74th Leg., ch. 721, Sec. 9, eff. June 15, 1995.

Sec. 554.010. AUDIT OF STATE GOVERNMENTAL ENTITY AFTER SUIT. (a) At the conclusion of a suit that is brought under this chapter against a state governmental entity subject to audit under Section 321.013 and in which the entity is required to pay $10,000 or more under the terms of a settlement agreement or final judgment, the attorney general shall provide to the state auditor's office a brief memorandum describing the facts and disposition of the suit.

(b) Not later than the 90th day after the date on which the state auditor's office receives the memorandum required by Subsection (a), the auditor may audit or investigate the state governmental entity to determine any changes necessary to correct the problems that gave rise to the whistleblower suit and shall recommend such changes to the Legislative Audit Committee, the Legislative Budget Board, and the governing board or chief executive officer of the entity involved. In conducting the audit or investigation, the auditor shall have access to all records pertaining to the suit.

Added by Acts 1995, 74th Leg., ch. 721, Sec. 10, eff. June 15, 1995.

Tab B: Tex. R. Civ. P. 11

TEXAS RULES OF CIVIL PROCEDURE

RULE 11. AGREEMENTS TO BE IN WRITING

Unless otherwise provided in these rules, no agreement between attorneys or parties touching any suit pending will be enforced unless it be in writing, signed and filed with the papers as part of the record, or unless it be made in open court and entered of record.

Notes and Comments

Comment to 1988 change: The amendment makes it clear that Rule 11 is subject to modification by any other Rule of Civil Procedure.

Tab C: Tex. Const. art. VIII, § 6

THE TEXAS CONSTITUTION

ARTICLE 8. TAXATION AND REVENUE

Sec. 1. EQUALITY AND UNIFORMITY OF TAXATION; TAXATION OF PROPERTY IN PROPORTION TO VALUE; OCCUPATION AND INCOME TAXES; EXEMPTION OF CERTAIN TANGIBLE PERSONAL PROPERTY AND SMALL MINERAL INTERESTS FROM AD VALOREM TAXATION; VALUATION OF CERTAIN REAL PROPERTY FOR TAX PURPOSES. (a) Taxation shall be equal and uniform.

(b) All real property and tangible personal property in this State, unless exempt as required or permitted by this Constitution, whether owned by natural persons or corporations, other than municipal, shall be taxed in proportion to its value, which shall be ascertained as may be provided by law.

(c) The Legislature may provide for the taxation of intangible property and may also impose occupation taxes, both upon natural persons and upon corporations, other than municipal, doing any business in this State. The Legislature may also tax incomes of corporations other than municipal. Persons engaged in mechanical and agricultural pursuits shall never be required to pay an occupation tax.

(d) The Legislature by general law shall exempt from ad valorem taxation household goods not held or used for the production of income and personal effects not held or used for the production of income. The Legislature by general law may exempt from ad valorem taxation:

(1) all or part of the personal property homestead of a family or single adult, "personal property homestead" meaning that personal property exempt by law from forced sale for debt;

(2) subject to Subsections (e) and (g) of this section, all other tangible personal property, except structures which are substantially affixed to real estate and are used or occupied as residential dwellings and except property held or used for the production of income;

(3) subject to Subsection (e) of this section, a leased motor vehicle that is not held primarily for the production of income by the lessee and that otherwise qualifies under general law for exemption; and

(4) one motor vehicle, as defined by general law, owned by an individual that is used in the course of the individual's occupation or profession and is also used for personal activities of the owner that do not involve the production of income.

(e) The governing body of a political subdivision may provide for the taxation of all property exempt under a law adopted under Subdivision (2)

or (3) of Subsection (d) of this section and not exempt from ad valorem taxation by any other law. The Legislature by general law may provide limitations to the application of this subsection to the taxation of vehicles exempted under the authority of Subdivision (3) of Subsection (d) of this section.

(f) The occupation tax levied by any county, city or town for any year on persons or corporations pursuing any profession or business, shall not exceed one half of the tax levied by the State for the same period on such profession or business.

(g) The Legislature may exempt from ad valorem taxation tangible personal property that is held or used for the production of income and has a taxable value of less than the minimum amount sufficient to recover the costs of the administration of the taxes on the property, as determined by or under the general law granting the exemption.

(h) The Legislature may exempt from ad valorem taxation a mineral interest that has a taxable value of less than the minimum amount sufficient to recover the costs of the administration of the taxes on the interest, as determined by or under the general law granting the exemption.

(i) Notwithstanding Subsections (a) and (b) of this section, the Legislature by general law may limit the maximum appraised value of a residence homestead for ad valorem tax purposes in a tax year to the lesser of the most recent market value of the residence homestead as determined by the appraisal entity or 110 percent, or a greater percentage, of the appraised value of the residence homestead for the preceding tax year. A limitation on appraised values authorized by this subsection:

(1) takes effect as to a residence homestead on the later of the effective date of the law imposing the limitation or January 1 of the tax year following the first tax year the owner qualifies the property for an exemption under Section 1-b of this article; and

(2) expires on January 1 of the first tax year that neither the owner of the property when the limitation took effect nor the owner's spouse or surviving spouse qualifies for an exemption under Section 1-b of this article.

(j) The Legislature by general law may provide for the taxation of real property that is the residence homestead of the property owner solely on the basis of the property's value as a residence homestead, regardless of whether the residential use of the property by the owner is considered to be the highest and best use of the property.

(n) This subsection does not apply to a residence homestead to which Subsection (i) of this section applies. Notwithstanding Subsections (a)

and (b) of this section, the Legislature by general law may limit the maximum appraised value of real property for ad valorem tax purposes in a tax year to the lesser of the most recent market value of the property as determined by the appraisal entity or 120 percent, or a greater percentage, of the appraised value of the property for the preceding tax year. The general law enacted under this subsection may prescribe additional eligibility requirements for the limitation on appraised values authorized by this subsection. A limitation on appraised values authorized by this subsection:

(1) takes effect as to a parcel of real property described by this subsection on the later of the effective date of the law imposing the limitation or January 1 of the tax year following the first tax year in which the owner owns the property on January 1; and

(2) expires on January 1 of the tax year following the tax year in which the owner of the property ceases to own the property.

(n-1) This subsection and Subsection (n) of this section expire December 31, 2026.

(Feb. 15, 1876. Amended Nov. 7, 1978, and Nov. 3, 1987; Subsecs. (b) and (f) amended Nov. 7, 1989; Subsec. (e) amended Aug. 10, 1991; Subsec. (c) amended Nov. 2, 1993; Subsec. (d) amended and (g) and (h) added Nov. 7, 1995; Subsec. (i) added Nov. 4, 1997; Subsecs. (d) and (e) amended Nov. 2, 1999; Subsec. (d) amended and former (j) and (j-1) added Nov. 6, 2001; Subsec. (d) amended, (i-1) added, and (j) repealed Sept. 13, 2003; Subsec. (j-1) expired Jan. 1, 2004; Subsec. (i-1) expired Jan. 1, 2005; Subsecs. (d) and (i) amended Nov. 6, 2007; current Subsec. (j) added Nov. 3, 2009; Subsec. (c) amended Nov. 5, 2019; Subsecs. (n) and (n-1) added Nov. 7, 2023.)

Sec. 1-a. COUNTY TAX LEVY FOR ROADS AND FLOOD CONTROL. The several counties of the State are authorized to levy ad valorem taxes upon all property within their respective boundaries for county purposes, except the first Three Thousand Dollars ($3,000) value of residential homesteads of married or unmarried adults, including those living alone, not to exceed thirty cents (30¢) on each One Hundred Dollars ($100) valuation, in addition to all other ad valorem taxes authorized by the Constitution of this State, provided the revenue derived therefrom shall be used for construction and maintenance of Farm to Market Roads or for Flood Control, except as herein otherwise provided.

(Added Nov. 8, 1932; amended Aug. 26, 1933, Nov. 2, 1948, Nov. 6, 1973, Nov. 2, 1999, and Nov. 6, 2001.) (TEMPORARY TRANSITION PROVISIONS for Sec. 1-a: See Appendix, Notes 1 and 3.)

Sec. 1-b. RESIDENCE HOMESTEAD TAX EXEMPTIONS AND LIMITATIONS. (a) Three Thousand Dollars ($3,000) of the assessed taxable value of all residence homesteads of married or unmarried adults, male or female, including those living alone, shall be exempt from all taxation for all State purposes.

(b) The governing body of any county, city, town, school district, or other political subdivision of the State may exempt by its own action not less than Three Thousand Dollars ($3,000) of the market value of residence homesteads of persons, married or unmarried, including those living alone, who are under a disability for purposes of payment of disability insurance benefits under Federal Old-Age, Survivors, and Disability Insurance or its successor or of married or unmarried persons sixty-five (65) years of age or older, including those living alone, from all ad valorem taxes thereafter levied by the political subdivision. As an alternative, upon receipt of a petition signed by twenty percent (20%) of the voters who voted in the last preceding election held by the political subdivision, the governing body of the subdivision shall call an election to determine by majority vote whether an amount not less than Three Thousand Dollars ($3,000) as provided in the petition, of the market value of residence homesteads of disabled persons or of persons sixty-five (65) years of age or over shall be exempt from ad valorem taxes thereafter levied by the political subdivision. An eligible disabled person who is sixty-five (65) years of age or older may not receive both exemptions from the same political subdivision in the same year but may choose either if the subdivision has adopted both. Where any ad valorem tax has theretofore been pledged for the payment of any debt, the taxing officers of the political subdivision shall have authority to continue to levy and collect the tax against the homestead property at the same rate as the tax so pledged until the debt is discharged, if the cessation of the levy would impair the obligation of the contract by which the debt was created.

(c) The amount of $100,000 of the market value of the residence homestead of a married or unmarried adult, including one living alone, is exempt from ad valorem taxation for general elementary and secondary public school purposes. The legislature by general law may provide that all or part of the exemption does not apply to a district or political subdivision that imposes ad valorem taxes for public education purposes but is not the

principal school district providing general elementary and secondary public education throughout its territory. In addition to this exemption, the legislature by general law may exempt an amount not to exceed $10,000 of the market value of the residence homestead of a person who is disabled as defined in Subsection (b) of this section and of a person 65 years of age or older from ad valorem taxation for general elementary and secondary public school purposes. The legislature by general law may base the amount of and condition eligibility for the additional exemption authorized by this subsection for disabled persons and for persons 65 years of age or older on economic need. An eligible disabled person who is 65 years of age or older may not receive both exemptions from a school district but may choose either. An eligible person is entitled to receive both the exemption required by this subsection for all residence homesteads and any exemption adopted pursuant to Subsection (b) of this section, but the legislature shall provide by general law whether an eligible disabled or elderly person may receive both the additional exemption for the elderly and disabled authorized by this subsection and any exemption for the elderly or disabled adopted pursuant to Subsection (b) of this section. Where ad valorem tax has previously been pledged for the payment of debt, the taxing officers of a school district may continue to levy and collect the tax against the value of homesteads exempted under this subsection until the debt is discharged if the cessation of the levy would impair the obligation of the contract by which the debt was created. The legislature shall provide for formulas to protect school districts against all or part of the revenue loss incurred by the implementation of this subsection, Subsection (d) of this section, and Section 1-d-1 of this article. The legislature by general law may define residence homestead for purposes of this section.

(d) Except as otherwise provided by this subsection, if a person receives a residence homestead exemption prescribed by Subsection (c) of this section for homesteads of persons who are 65 years of age or older or who are disabled, the total amount of ad valorem taxes imposed on that homestead for general elementary and secondary public school purposes may not be increased while it remains the residence homestead of that person or that person's spouse who receives the exemption. If a person who is 65 years of age or older or who is disabled dies in a year in which the person received the exemption, the total amount of ad valorem taxes imposed on the homestead for general elementary and secondary public school purposes may not be increased while it remains the residence homestead of that person's surviving spouse if the spouse is 55 years of age or older at the time of

the person's death, subject to any exceptions provided by general law. The legislature, by general law, may provide for the transfer of all or a proportionate amount of a limitation provided by this subsection for a person who qualifies for the limitation and establishes a different residence homestead. However, taxes otherwise limited by this subsection may be increased to the extent the value of the homestead is increased by improvements other than repairs or improvements made to comply with governmental requirements and except as may be consistent with the transfer of a limitation under this subsection. For a residence homestead subject to the limitation provided by this subsection in the 1996 tax year or an earlier tax year, the legislature shall provide for a reduction in the amount of the limitation for the 1997 tax year and subsequent tax years in an amount equal to $10,000 multiplied by the 1997 tax rate for general elementary and secondary public school purposes applicable to the residence homestead. For a residence homestead subject to the limitation provided by this subsection in the 2014 tax year or an earlier tax year, the legislature shall provide for a reduction in the amount of the limitation for the 2015 tax year and subsequent tax years in an amount equal to $10,000 multiplied by the 2015 tax rate for general elementary and secondary public school purposes applicable to the residence homestead. For a residence homestead subject to the limitation provided by this subsection in the 2021 tax year or an earlier tax year, the legislature shall provide for a reduction in the amount of the limitation for the 2023 tax year and subsequent tax years in an amount equal to $15,000 multiplied by the 2022 tax rate for general elementary and secondary public school purposes applicable to the residence homestead. Beginning with the 2023 tax year, for any tax year in which the amount of the exemption provided by Subsection (c) of this section applicable to the residence homestead of a married or unmarried adult, including one living alone, or the amount of the exemption provided by Subsection (c) of this section applicable to the residence homestead of a person who is disabled as defined by Subsection (b) of this section and of a person 65 years of age or older is increased, the legislature shall provide for a reduction for that tax year and subsequent tax years in the amount of the limitation provided by this subsection applicable to a residence homestead that was subject to the limitation in the tax year preceding the tax year in which the amount of the exemption is increased in an amount equal to the amount by which the amount of the exemption is increased multiplied by the tax rate for general elementary and secondary public school purposes applicable to the residence

homestead for the tax year in which the amount of the exemption is increased.

(d-1) Notwithstanding Subsection (d) of this section, the legislature by general law may provide for the reduction of the amount of a limitation provided by that subsection and applicable to a residence homestead for the 2007 tax year to reflect any reduction from the 2006 tax year in the tax rate for general elementary and secondary public school purposes applicable to the homestead. A general law enacted under this subsection may also take into account any reduction in the tax rate for those purposes from the 2005 tax year to the 2006 tax year if the homestead was subject to the limitation in the 2006 tax year. A general law enacted under this subsection may provide that, except as otherwise provided by Subsection (d) of this section, a limitation provided by that subsection that is reduced under the general law continues to apply to the residence homestead in subsequent tax years until the limitation expires.

(d-2) Notwithstanding Subsections (d) and (d-1) of this section, the legislature by general law may provide for the reduction of the amount of a limitation provided by Subsection (d) of this section and applicable to a residence homestead for a tax year to reflect any statutory reduction from the preceding tax year in the maximum compressed rate, as defined by general law, or a successor rate of the maintenance and operations taxes imposed for general elementary and secondary public school purposes on the homestead. A general law enacted under this subsection may take into account the difference between the tier one maintenance and operations rate for the 2018 tax year and the maximum compressed rate for the 2019 tax year applicable to a residence homestead and any reductions in subsequent tax years before the tax year in which the general law takes effect in the maximum compressed rate applicable to a residence homestead.

(e) The governing body of a political subdivision, other than a county education district, may exempt from ad valorem taxation a percentage of the market value of the residence homestead of a married or unmarried adult, including one living alone. In the manner provided by law, the voters of a county education district at an election held for that purpose may exempt from ad valorem taxation a percentage of the market value of the residence homestead of a married or unmarried adult, including one living alone. The percentage may not exceed twenty percent. However, the amount of an exemption authorized pursuant to this subsection may not be less than $5,000 unless the legislature by general law prescribes other monetary restrictions on the amount of the exemption. The legislature by general law may prohibit the governing body of a political subdivision that adopts

an exemption under this subsection from reducing the amount of or repealing the exemption. An eligible adult is entitled to receive other applicable exemptions provided by law. Where ad valorem tax has previously been pledged for the payment of debt, the governing body of a political subdivision may continue to levy and collect the tax against the value of the homesteads exempted under this subsection until the debt is discharged if the cessation of the levy would impair the obligation of the contract by which the debt was created. The legislature by general law may prescribe procedures for the administration of residence homestead exemptions.

(f) The surviving spouse of a person who received an exemption under Subsection (b) of this section for the residence homestead of a person sixty-five (65) years of age or older is entitled to an exemption for the same property from the same political subdivision in an amount equal to that of the exemption received by the deceased spouse if the deceased spouse died in a year in which the deceased spouse received the exemption, the surviving spouse was fifty-five (55) years of age or older when the deceased spouse died, and the property was the residence homestead of the surviving spouse when the deceased spouse died and remains the residence homestead of the surviving spouse. A person who receives an exemption under Subsection (b) of this section is not entitled to an exemption under this subsection. The legislature by general law may prescribe procedures for the administration of this subsection.

(g) If the legislature provides for the transfer of all or a proportionate amount of a tax limitation provided by Subsection (d) of this section for a person who qualifies for the limitation and subsequently establishes a different residence homestead, the legislature by general law may authorize the governing body of a school district to elect to apply the law providing for the transfer of the tax limitation to a change of a person's residence homestead that occurred before that law took effect, subject to any restrictions provided by general law. The transfer of the limitation may apply only to taxes imposed in a tax year that begins after the tax year in which the election is made.

(h) The governing body of a county, a city or town, or a junior college district by official action may provide that if a person who is disabled or is sixty-five (65) years of age or older receives a residence homestead exemption prescribed or authorized by this section, the total amount of ad valorem taxes imposed on that homestead by the county, the city or town, or the junior college district may not be increased while it remains the residence homestead of that person or that person's spouse who is disabled or sixty-five (65) years of age or older and receives a

residence homestead exemption on the homestead. As an alternative, on receipt of a petition signed by five percent (5%) of the registered voters of the county, the city or town, or the junior college district, the governing body of the county, the city or town, or the junior college district shall call an election to determine by majority vote whether to establish a tax limitation provided by this subsection. If a county, a city or town, or a junior college district establishes a tax limitation provided by this subsection and a disabled person or a person sixty-five (65) years of age or older dies in a year in which the person received a residence homestead exemption, the total amount of ad valorem taxes imposed on the homestead by the county, the city or town, or the junior college district may not be increased while it remains the residence homestead of that person's surviving spouse if the spouse is fifty-five (55) years of age or older at the time of the person's death, subject to any exceptions provided by general law. The legislature, by general law, may provide for the transfer of all or a proportionate amount of a tax limitation provided by this subsection for a person who qualifies for the limitation and establishes a different residence homestead within the same county, within the same city or town, or within the same junior college district. A county, a city or town, or a junior college district that establishes a tax limitation under this subsection must comply with a law providing for the transfer of the limitation, even if the legislature enacts the law subsequent to the county's, the city's or town's, or the junior college district's establishment of the limitation. Taxes otherwise limited by a county, a city or town, or a junior college district under this subsection may be increased to the extent the value of the homestead is increased by improvements other than repairs and other than improvements made to comply with governmental requirements and except as may be consistent with the transfer of a tax limitation under a law authorized by this subsection. The governing body of a county, a city or town, or a junior college district may not repeal or rescind a tax limitation established under this subsection.

(i) The legislature by general law may exempt from ad valorem taxation all or part of the market value of the residence homestead of a disabled veteran who is certified as having a service-connected disability with a disability rating of 100 percent or totally disabled and may provide additional eligibility requirements for the exemption. For purposes of this subsection, "disabled veteran" means a disabled veteran as described by Section 2(b) of this article.

(j) The legislature by general law may provide that the surviving spouse of a disabled veteran who qualified for an exemption in accordance with Subsection (i) or (l) of this section from ad valorem taxation of all or part of the market value of the disabled veteran's residence homestead when the disabled veteran died is entitled to an exemption from ad valorem taxation of the same portion of the market value of the same property to which the disabled veteran's exemption applied if:

(1) the surviving spouse has not remarried since the death of the disabled veteran; and

(2) the property:

(A) was the residence homestead of the surviving spouse when the disabled veteran died; and

(B) remains the residence homestead of the surviving spouse.

(j-1) The legislature by general law may provide that the surviving spouse of a disabled veteran who would have qualified for an exemption from ad valorem taxation of all or part of the market value of the disabled veteran's residence homestead under Subsection (i) of this section if that subsection had been in effect on the date the disabled veteran died is entitled to an exemption from ad valorem taxation of the same portion of the market value of the same property to which the disabled veteran's exemption would have applied if the surviving spouse otherwise meets the requirements of Subsection (j) of this section.

(k) The legislature by general law may provide that if a surviving spouse who qualifies for an exemption in accordance with Subsection (j) or (j-1) of this section subsequently qualifies a different property as the surviving spouse's residence homestead, the surviving spouse is entitled to an exemption from ad valorem taxation of the subsequently qualified homestead in an amount equal to the dollar amount of the exemption from ad valorem taxation of the former homestead in accordance with Subsection (j) or (j-1) of this section in the last year in which the surviving spouse received an exemption in accordance with the applicable subsection for that homestead if the surviving spouse has not remarried since the death of the disabled veteran.

(l) The legislature by general law may provide that a partially disabled veteran is entitled to an exemption from ad valorem taxation of a percentage of the market value of the disabled veteran's residence homestead that is equal to the percentage of disability of the disabled veteran if the residence homestead was donated to the disabled veteran by a charitable organization for less than the market value of the residence homestead, including at no cost to the disabled veteran. The legislature

by general law may provide additional eligibility requirements for the exemption. For purposes of this subsection, "partially disabled veteran" means a disabled veteran as described by Section 2(b) of this article who is certified as having a disability rating of less than 100 percent. A limitation or restriction on a disabled veteran's entitlement to an exemption under Section 2(b) of this article, or on the amount of an exemption under Section 2(b), does not apply to an exemption under this subsection.

(m) The legislature by general law may provide that the surviving spouse of a member of the armed services of the United States who is killed or fatally injured in the line of duty is entitled to an exemption from ad valorem taxation of all or part of the market value of the surviving spouse's residence homestead if the surviving spouse has not remarried since the death of the member of the armed services.

(n) The legislature by general law may provide that a surviving spouse who qualifies for and receives an exemption in accordance with Subsection (m) of this section and who subsequently qualifies a different property as the surviving spouse's residence homestead is entitled to an exemption from ad valorem taxation of the subsequently qualified homestead in an amount equal to the dollar amount of the exemption from ad valorem taxation of the first homestead for which the exemption was received in accordance with Subsection (m) of this section in the last year in which the surviving spouse received the exemption in accordance with that subsection for that homestead if the surviving spouse has not remarried since the death of the member of the armed services.

(o) The legislature by general law may provide that the surviving spouse of a first responder who is killed or fatally injured in the line of duty is entitled to an exemption from ad valorem taxation of all or part of the market value of the surviving spouse's residence homestead if the surviving spouse has not remarried since the death of the first responder. The legislature by general law may define "first responder" for purposes of this subsection and may prescribe additional eligibility requirements for the exemption authorized by this subsection.

(p) The legislature by general law may provide that a surviving spouse who qualifies for and receives an exemption in accordance with Subsection (o) of this section and who subsequently qualifies a different property as the surviving spouse's residence homestead is entitled to an exemption from ad valorem taxation of the subsequently qualified homestead in an amount equal to the dollar amount of the exemption from ad valorem taxation of the first homestead for which the exemption was received in

accordance with Subsection (o) of this section in the last year in which the surviving spouse received the exemption in accordance with that subsection for that homestead if the surviving spouse has not remarried since the death of the first responder.

(Added Nov. 2, 1948; Subsec. (b) added Nov. 7, 1972; Subsecs. (a) and (b) amended Nov. 6, 1973; Subsec. (b) amended and (c) and (d) added Nov. 7, 1978; Subsecs. (e) and (e-1) added Nov. 3, 1981; Subsec. (e-1) expired Jan. 2, 1982; Subsec. (d) amended Nov. 3, 1987; Subsecs. (b) and (e) amended Aug. 10, 1991; Subsec. (f) added Nov. 7, 1995; Subsecs. (c) and (d) amended Aug. 9, 1997; Subsec. (g) added Nov. 4, 1997; Subsec. (b) amended Nov. 2, 1999; Subsec. (d) amended and (h) added Sept. 13, 2003; Subsec. (d-1) added May 12, 2007; Subsec. (i) added Nov. 6, 2007; Subsecs. (j) and (k) added Nov. 8, 2011; Subsecs. (j) amended and (l) (both versions) and (m) added Nov. 5, 2013; Subsecs. (c), (d), (e), and (k) amended and (j-1) added Nov. 3, 2015; Subsec. (l) as proposed by H.J.R. 24, 83R, amended, Subsec. (l) as proposed by H.J.R. 62, 83R, redesignated as Subsec. (m), Subsec. (m) redesignated as Subsec. (n) and amended, and Subsecs. (o) and (p) added Nov. 7, 2017; Subsecs. (d) and (m) amended Nov. 2, 2021; Subsec. (c) amended and (d-2) added May 7, 2022; Subsecs. (c) and (d) amended Nov. 7, 2023.) (TEMPORARY TRANSITION PROVISIONS for Sec. 1-b: See Appendix, Notes 1 and 7.)

Sec. 1-b-1. (Repealed Nov. 2, 1999.)

(TEMPORARY TRANSITION PROVISIONS for Sec. 1-b-1: See Appendix, Note 1.)

Sec. 1-c. (Repealed Nov. 2, 1999.)

(TEMPORARY TRANSITION PROVISIONS for Sec. 1-c: See Appendix, Note 1.)

Sec. 1-d. ASSESSMENT FOR TAX PURPOSES OF LANDS DESIGNATED FOR AGRICULTURAL USE. (a) All land owned by natural persons which is designated for agricultural use in accordance with the provisions of this Section shall be assessed for all tax purposes on the consideration of only those factors relative to such agricultural use. "Agricultural use" means the raising of livestock or growing of crops, fruit, flowers, and other products of the soil under natural conditions as a business venture for profit, which business is the primary occupation and source of income of the owner.

(b) For each assessment year the owner wishes to qualify his land under provisions of this Section as designated for agricultural use he shall file with the local tax assessor a sworn statement in writing describing the use to which the land is devoted.

(c) Upon receipt of the sworn statement in writing the local tax assessor shall determine whether or not such land qualifies for the designation as to agricultural use as defined herein and in the event it so qualifies he shall designate such land as being for agricultural use and assess the land accordingly.

(d) Such local tax assessor may inspect the land and require such evidence of use and source of income as may be necessary or useful in determining whether or not the agricultural use provision of this article applies.

(e) No land may qualify for the designation provided for in this Act unless for at least three (3) successive years immediately preceding the assessment date the land has been devoted exclusively for agricultural use, or unless the land has been continuously developed for agriculture during such time.

(f) Each year during which the land is designated for agricultural use, the local tax assessor shall note on his records the valuation which would have been made had the land not qualified for such designation under this Section. If designated land is subsequently diverted to a purpose other than that of agricultural use, or is sold, the land shall be subject to an additional tax. The additional tax shall equal the difference between taxes paid or payable, hereunder, and the amount of tax payable for the preceding three years had the land been otherwise assessed. Until paid,† there shall be a lien for additional taxes and interest on land assessed under the provisions of this Section.

(g) The valuation and assessment of any minerals or subsurface rights to minerals shall not come within the provisions of this Section.

(Added Nov. 8, 1966.)

† The language of this provision is identical to the language of the official legislative measure that originally proposed the provision. A digital image of the original text of the official enrolled measure can be found here.

Sec. 1-d-1. TAXATION OF CERTAIN OPEN-SPACE LAND. (a) To promote the preservation of open-space land, the legislature shall provide by general law for taxation of open-space land devoted to farm, ranch, or wildlife management purposes on the basis of its productive capacity and may provide

by general law for taxation of open-space land devoted to timber production on the basis of its productive capacity. The legislature by general law may provide eligibility limitations under this section and may impose sanctions in furtherance of the taxation policy of this section.

(b) If a property owner qualifies his land for designation for agricultural use under Section 1-d of this article, the land is subject to the provisions of Section 1-d for the year in which the designation is effective and is not subject to a law enacted under this Section 1-d-1 in that year.

(Added Nov. 7, 1978; Subsec. (a) amended Nov. 7, 1995.)

Sec. 1-e. STATE AD VALOREM TAXES PROHIBITED. No State ad valorem taxes shall be levied upon any property within this State.

(Added Nov. 5, 1968; amended Nov. 2, 1982, and Nov. 6, 2001.) (TEMPORARY TRANSITION PROVISION for Sec. 1-e: See Appendix, Note 3.)

Sec. 1-f. AD VALOREM TAX RELIEF. The legislature by law may provide for the preservation of cultural, historical, or natural history resources by:

(1) granting exemptions or other relief from state ad valorem taxes on appropriate property so designated in the manner prescribed by law; and

(2) authorizing political subdivisions to grant exemptions or other relief from ad valorem taxes on appropriate property so designated by the political subdivision in the manner prescribed by general law.

(Added Nov. 8, 1977.)

As of the date this document was last updated, December 15, 2023, the governor has not made a proclamation under Section 1(c), Article XVII, Texas Constitution, relating to the votes cast in favor of the amendment proposed by H.J.R. 99, Acts of the 87th Legislature, Regular Session, 2021.

Sec. 1-g. DEVELOPMENT OR REDEVELOPMENT OF PROPERTY; AD VALOREM TAX RELIEF AND ISSUANCE OF BONDS AND NOTES. (a) The legislature by general law may authorize cities, towns, and other taxing units to grant exemptions or other relief from ad valorem taxes on property located in a reinvestment zone for the purpose of encouraging development or redevelopment and improvement of the property.

Text of subsection as added Nov. 3, 1981

(b) The legislature by general law may authorize an incorporated city or town to issue bonds or notes to finance the development or redevelopment of an unproductive, underdeveloped, or blighted area within the city or town and to pledge for repayment of those bonds or notes increases in ad valorem tax revenues imposed on property in the area by the city or town and other political subdivisions.

Text of subsection as proposed by H.J.R. 99, Acts of the 87th Legislature, Regular Session, 2021

(b) The legislature by general law may authorize a county or an incorporated city or town to issue bonds or notes to finance the development or redevelopment of an unproductive, underdeveloped, or blighted area within the county, city, or town and to pledge for repayment of those bonds or notes increases in ad valorem tax revenues imposed on property in the area by the county, city, or town and other political subdivisions. A county that issues bonds or notes for transportation improvements under a general law authorized by this subsection may not:

(1) pledge for the repayment of those bonds or notes more than 65 percent of the increases in ad valorem tax revenues each year; or

(2) use proceeds from the bonds or notes to finance the construction, operation, maintenance, or acquisition of rights-of-way of a toll road.

(Added Nov. 3, 1981.)

Sec. 1-h. VALIDATION OF ASSESSMENT RATIO. Section 26.03, Tax Code, is validated as of January 1, 1980.

(Added Nov. 2, 1982.)

Sec. 1-i. MOBILE MARINE DRILLING EQUIPMENT; AD VALOREM TAX RELIEF. The legislature by general law may provide ad valorem tax relief for mobile marine drilling equipment designed for offshore drilling of oil or gas wells that is being stored while not in use in a county bordering on the

Gulf of Mexico or on a bay or other body of water immediately adjacent to the Gulf of Mexico.

(Added Nov. 3, 1987.)

Sec. 1-j. EXEMPTION FROM AD VALOREM TAXATION OF CERTAIN TANGIBLE PERSONAL PROPERTY TEMPORARILY LOCATED IN THIS STATE. (a) To promote economic development in the State, goods, wares, merchandise, other tangible personal property, and ores, other than oil, natural gas, and other petroleum products, are exempt from ad valorem taxation by a political subdivision of this State if:

(1) the property is acquired in or imported into this State to be forwarded outside this State, whether or not the intention to forward the property outside this State is formed or the destination to which the property is forwarded is specified when the property is acquired in or imported into this State;

(2) the property is detained in this State for assembling, storing, manufacturing, processing, or fabricating purposes by the person who acquired or imported the property; and

(3) the property is transported outside of this State not later than:

(A) 175 days after the date the person acquired or imported the property in this State; or

(B) if applicable, a later date established by the governing body of the political subdivision under Subsection (d) of this section.

(b) The governing body of a county, common, or independent school district, junior college district, or municipality that, acting under previous constitutional authority, taxes property otherwise exempt by Subsection (a) of this section may subsequently exempt the property from taxation by rescinding its action to tax the property. The exemption applies to each tax year that begins after the date the action is taken and applies to the tax year in which the action is taken if the governing body so provides. A governing body that rescinds its action to tax the property may not take action to tax such property after the rescission.

(c) For purposes of this section:

(1) tangible personal property shall include aircraft and aircraft parts;

(2) property imported into this State shall include property brought into this State;

(3) property forwarded outside this State shall include property transported outside this State or to be affixed to an aircraft to be

transported outside this State; and

(4) property detained in this State for assembling, storing, manufacturing, processing, or fabricating purposes shall include property, aircraft, or aircraft parts brought into this State or acquired in this State and used by the person who acquired the property, aircraft, or aircraft parts in or who brought the property, aircraft, or aircraft parts into this State for the purpose of repair or maintenance of aircraft operated by a certificated air carrier.

(d) The governing body of a political subdivision, in the manner provided by law for official action, may extend the date by which aircraft parts exempted from ad valorem taxation under this section must be transported outside the State to a date not later than the 730th day after the date the person acquired or imported the aircraft parts in this State. An extension adopted by official action under this subsection applies only to the exemption from ad valorem taxation by the political subdivision adopting the extension. The legislature by general law may provide the manner by which the governing body may extend the period of time as authorized by this subsection.

(Added Nov. 7, 1989; Subsec. (b) amended Nov. 2, 1999; Subsec. (a) amended and (d) added Nov. 5, 2013.) (TEMPORARY TRANSITION PROVISIONS for Sec. 1-j: See Appendix, Note 1.)

Sec. 1-k. EXEMPTION FROM AD VALOREM TAXATION OF PROPERTY OWNED BY NONPROFIT CORPORATIONS SUPPLYING WATER OR PROVIDING WASTEWATER SERVICES. The legislature by general law may exempt from ad valorem taxation property owned by a nonprofit corporation organized to supply water or provide wastewater service that provides in the bylaws of the corporation that on dissolution of the corporation, the assets of the corporation remaining after discharge of the corporation's indebtedness shall be transferred to an entity that provides a water supply or wastewater service, or both, that is exempt from ad valorem taxation, if the property is reasonably necessary for and used in the acquisition, treatment, storage, transportation, sale, or distribution of water or the provision of wastewater service.

(Added Nov. 5, 1991.)

Sec. 1-l. EXEMPTION FROM AD VALOREM TAXATION OF PROPERTY USED FOR CONTROL OF AIR, WATER, OR LAND POLLUTION. (a) The legislature by general law may exempt from ad valorem taxation all or part of real and personal property used, constructed, acquired, or installed wholly or partly to meet

or exceed rules or regulations adopted by any environmental protection agency of the United States, this state, or a political subdivision of this state for the prevention, monitoring, control, or reduction of air, water, or land pollution.

(b) This section applies to real and personal property used as a facility, device, or method for the control of air, water, or land pollution that would otherwise be taxable for the first time on or after January 1, 1994.

(c) This section does not authorize the exemption from ad valorem taxation of real or personal property that was subject to a tax abatement agreement executed before January 1, 1994.

(Added Nov. 2, 1993.)

Sec. 1-m. PROPERTY ON WHICH WATER CONSERVATION INITIATIVE HAS BEEN IMPLEMENTED; AD VALOREM TAX RELIEF. The legislature by general law may authorize a taxing unit to grant an exemption or other relief from ad valorem taxes on property on which a water conservation initiative has been implemented.

(Added Nov. 4, 1997.)

(Text of section as proposed by Acts 2001, 77th Leg., R.S., S.J.R. 47.)

Sec. 1-n. EXEMPTION FROM AD VALOREM TAXATION OF RAW COCOA AND GREEN COFFEE. (a) The legislature by general law may exempt from ad valorem taxation raw cocoa and green coffee that is held in Harris County.

(b) The legislature may impose additional requirements for qualification for an exemption under this section.

(Added Nov. 6, 2001.)

(Text of section as proposed by Acts 2001, 77th Leg., R.S., S.J.R. 6.)

Sec. 1-n. EXEMPTION FROM AD VALOREM TAXATION OF TANGIBLE PERSONAL PROPERTY HELD TEMPORARILY FOR CERTAIN COMMERCIAL PURPOSES. (a) To promote economic development in this state, the legislature by general law may exempt from ad valorem taxation goods, wares, merchandise, other tangible personal property, and ores, other than oil, natural gas, and other petroleum products, if:

(1) the property is acquired in or imported into this state to be forwarded to another location in this state or outside this state, whether

or not the intention to forward the property to another location in this state or outside this state is formed or the destination to which the property is forwarded is specified when the property is acquired in or imported into this state;

(2) the property is detained at a location in this state that is not owned or under the control of the property owner for assembling, storing, manufacturing, processing, or fabricating purposes by the person who acquired or imported the property; and

(3) the property is transported to another location in this state or outside this state not later than 270 days after the date the person acquired the property in or imported the property into this state.

(b) For purposes of this section:

(1) tangible personal property includes aircraft and aircraft parts;

(2) property imported into this state includes property brought into this state;

(3) property forwarded to another location in this state or outside this state includes property transported to another location in this state or outside this state or to be affixed to an aircraft to be transported to another location in this state or outside this state; and

(4) property detained at a location in this state for assembling, storing, manufacturing, processing, or fabricating purposes includes property, aircraft, or aircraft parts brought into this state or acquired in this state and used by the person who acquired the property, aircraft, or aircraft parts in this state or who brought the property, aircraft, or aircraft parts into this state for the purpose of repair or maintenance of aircraft operated by a certificated air carrier.

(c) A property owner who is eligible to receive the exemption authorized by Section 1-j of this article may apply for the exemption authorized by the legislature under this section in the manner provided by general law, subject to the provisions of Subsection (d) of this section. A property owner who receives the exemption authorized by the legislature under this section is not entitled to receive the exemption authorized by Section 1-j of this article for the same property.

(d) The governing body of a political subdivision that imposes ad valorem taxes may provide for the taxation of property exempt under a law adopted under Subsection (a) of this section and not exempt from ad valorem taxation by any other law. Before acting to tax the exempt property, the governing body of the political subdivision must conduct a

public hearing at which members of the public are permitted to speak for or against the taxation of the property.

(Added Nov. 6, 2001; Subsec. (e) expired Jan. 1, 2003.)

Sec. 1-o. RURAL ECONOMIC DEVELOPMENT; LIMITATION ON AD VALOREM TAX INCREASE. To aid in the elimination of slum and blighted conditions in less populated communities in this state, to promote rural economic development in this state, and to improve the economy of this state, the legislature by general law may authorize the governing body of a municipality having a population of less than 10,000, in the manner required by law, to call an election to permit the voters to determine by majority vote whether to authorize the governing body of the municipality to enter into an agreement with an owner of real property that is located in or adjacent to a designated area of the municipality that has been approved for funding under the Downtown Revitalization Program or the Main Street Improvements Program administered by the Department of Agriculture, or a successor program administered by that agency, under which the parties agree that the ad valorem taxes imposed by any political subdivision on the owner's real property may not be increased for the first five tax years after the tax year in which the agreement is entered into, subject to the terms and conditions provided by the agreement. A general law enacted under this section must provide that, if authorized by the voters, an agreement to limit ad valorem tax increases authorized by this section:

(1) must be entered into by the governing body of the municipality and a property owner before December 31 of the tax year in which the election was held;

(2) takes effect as to a parcel of real property on January 1 of the tax year following the tax year in which the governing body and the property owner enter into the agreement;

(3) applies to ad valorem taxes imposed by any political subdivision on the real property covered by the agreement; and

(4) expires on the earlier of:

(A) January 1 of the sixth tax year following the tax year in which the governing body and the property owner enter into the agreement; or

(B) January 1 of the first tax year in which the owner of the property when the agreement was entered into ceases to own the property.

(Added Nov. 6, 2007.)

Sec. 1-p. EXEMPTION FROM AD VALOREM TAXATION OF PRECIOUS METAL HELD IN DEPOSITORY. The legislature by general law may exempt from ad valorem taxation precious metal held in a precious metal depository located in this state. The legislature by general law may define "precious metal" and "precious metal depository" for purposes of this section.

(Added Nov. 5, 2019.)

Sec. 1-r. EXEMPTION FROM AD VALOREM TAXATION BY COUNTY OR MUNICIPALITY OF REAL PROPERTY USED FOR CHILD-CARE FACILITY. The governing body of a county or municipality may exempt from ad valorem taxation all or part of the appraised value of real property used to operate a child-care facility. The governing body may adopt the exemption as a percentage of the appraised value of the real property. The percentage specified by the governing body may not be less than 50 percent. The legislature by general law may define "child-care facility" for purposes of this section and may provide additional eligibility requirements for the exemption authorized by this section.

(Added Nov. 7, 2023.)

Sec. 1-x. EXEMPTION FROM AD VALOREM TAXATION OF CERTAIN PROPERTY OF MEDICAL OR BIOMEDICAL PRODUCTS MANUFACTURER. The legislature by general law may exempt from ad valorem taxation the tangible personal property held by a manufacturer of medical or biomedical products as a finished good or used in the manufacturing or processing of medical or biomedical products.

(Added Nov. 7, 2023.)

Sec. 2. EQUALITY AND UNIFORMITY OF OCCUPATION TAXES; ADDITIONAL EXEMPTIONS FROM AD VALOREM TAXATION. (a) All occupation taxes shall be equal and uniform upon the same class of subjects within the limits of the authority levying the tax; but the legislature may, by general laws, exempt from taxation public property used for public purposes; actual places of religious worship, also any property owned by a church or by a strictly religious society for the exclusive use as a dwelling place for the ministry of such church or religious society, and which yields no revenue whatever to such church or religious society; provided that such exemption shall not extend to more property than is reasonably necessary for a dwelling place and in no event more than one acre of land; any property owned by a church or by a strictly religious society that owns an actual

place of religious worship if the property is owned for the purpose of expansion of the place of religious worship or construction of a new place of religious worship and the property yields no revenue whatever to the church or religious society, provided that the legislature by general law may provide eligibility limitations for the exemption and may impose sanctions related to the exemption in furtherance of the taxation policy of this subsection; any property that is owned by a church or by a strictly religious society and is leased by that church or strictly religious society to a person for use as a school, as defined by Section 11.21, Tax Code, or a successor statute, for educational purposes; places of burial not held for private or corporate profit; solar or wind-powered energy devices; all buildings used exclusively and owned by persons or associations of persons for school purposes and the necessary furniture of all schools and property used exclusively and reasonably necessary in conducting any association engaged in promoting the religious, educational and physical development of boys, girls, young men or young women operating under a State or National organization of like character; also the endowment funds of such institutions of learning and religion not used with a view to profit; and when the same are invested in bonds or mortgages, or in land or other property which has been and shall hereafter be bought in by such institutions under foreclosure sales made to satisfy or protect such bonds or mortgages, that such exemption of such land and property shall continue only for two years after the purchase of the same at such sale by such institutions and no longer, and institutions engaged primarily in public charitable functions, which may conduct auxiliary activities to support those charitable functions; and all laws exempting property from taxation other than the property mentioned in this Section shall be null and void.

(b) The Legislature may, by general law, exempt property owned by a disabled veteran or by the surviving spouse and surviving minor children of a disabled veteran. A disabled veteran is a veteran of the armed services of the United States who is classified as disabled by the Veterans' Administration or by a successor to that agency or by the military service in which the veteran served. A veteran who is certified as having a disability of less than 10 percent is not entitled to an exemption. A veteran having a disability rating of not less than 10 percent but less than 30 percent may be granted an exemption from taxation for property valued at up to $5,000. A veteran having a disability rating of not less than 30 percent but less than 50 percent may be granted an exemption from taxation for property valued at up to $7,500. A veteran having a

disability rating of not less than 50 percent but less than 70 percent may be granted an exemption from taxation for property valued at up to $10,000. A veteran who has a disability rating of 70 percent or more, or a veteran who has a disability rating of not less than 10 percent and has attained the age of 65, or a disabled veteran whose disability consists of the loss or loss of use of one or more limbs, total blindness in one or both eyes, or paraplegia, may be granted an exemption from taxation for property valued at up to $12,000. The spouse and children of any member of the United States Armed Forces who dies while on active duty may be granted an exemption from taxation for property valued at up to $5,000. A deceased disabled veteran's surviving spouse and children may be granted an exemption which in the aggregate is equal to the exemption to which the veteran was entitled when the veteran died.

(c) The Legislature by general law may exempt from ad valorem taxation property that is owned by a nonprofit organization composed primarily of members or former members of the armed forces of the United States or its allies and chartered or incorporated by the United States Congress.

(d) Unless otherwise provided by general law enacted after January 1, 1995, the amounts of the exemptions from ad valorem taxation to which a person is entitled under Section 11.22, Tax Code, for a tax year that begins on or after the date this subsection takes effect are the maximum amounts permitted under Subsection (b) of this section instead of the amounts specified by Section 11.22, Tax Code. This subsection may be repealed by the Legislature by general law.

(e) The Legislature by general law may provide that a person who owns property located in an area declared by the governor to be a disaster area following a disaster is entitled to a temporary exemption from ad valorem taxation by a political subdivision of a portion of the appraised value of that property. The general law may provide that if the governor first declares territory in the political subdivision to be a disaster area as a result of a disaster on or after the date the political subdivision adopts a tax rate for the tax year in which the declaration is issued, a person is entitled to the exemption authorized by this subsection for that tax year only if the exemption is adopted by the governing body of the political subdivision. The Legislature by general law may prescribe the method of determining the amount of the exemption authorized by this subsection and the duration of the exemption and may provide additional eligibility requirements for the exemption.

(Feb. 15, 1876. Amended Nov. 6, 1906, and Nov. 6, 1928; Subsec. (a) amended and (b) added Nov. 7, 1972; Subsec. (a) amended Nov. 7, 1978; Subsec. (c) added Nov. 7, 1989; Subsec. (b) amended and (d) added Nov. 7, 1995; Subsec. (a) amended Nov. 2, 1999, and Sept. 13, 2003; Subsec. (b) amended Nov. 6, 2007; Subsec. (e) added Nov. 5, 2019.)

Sec. 3. TAXATION BY GENERAL LAW FOR PUBLIC PURPOSES. Taxes shall be levied and collected by general laws and for public purposes only.

(Feb. 15, 1876.)

Sec. 4. SURRENDER OR SUSPENSION OF TAXING POWER PROHIBITED. The power to tax corporations and corporate property shall not be surrendered or suspended by act of the Legislature, by any contract or grant to which the State shall be a party.

(Feb. 15, 1876.)

Sec. 5. (Repealed Nov. 2, 1999.)

(TEMPORARY TRANSITION PROVISIONS for Sec. 5: See Appendix, Note 1.)

Sec. 6. WITHDRAWAL OF MONEY FROM TREASURY; DURATION OF APPROPRIATION. No money shall be drawn from the Treasury but in pursuance of specific appropriations made by law; nor shall any appropriation of money be made for a longer term than two years.

(Feb. 15, 1876. Amended Nov. 2, 1999.) (TEMPORARY TRANSITION PROVISIONS for Sec. 6: See Appendix, Note 1.)

Sec. 7. BORROWING, WITHHOLDING, OR DIVERTING SPECIAL FUNDS PROHIBITED. The Legislature shall not have power to borrow, or in any manner divert from its purpose, any special fund that may, or ought to, come into the Treasury; and shall make it penal for any person or persons to borrow, withhold or in any manner to divert from its purpose any special fund, or any part thereof.

(Feb. 15, 1876.)

Sec. 7-a. USE OF REVENUES FROM MOTOR VEHICLE REGISTRATION FEES AND TAXES ON MOTOR FUELS AND LUBRICANTS. Subject to legislative appropriation,

allocation and direction, all net revenues remaining after payment of all refunds allowed by law and expenses of collection derived from motor vehicle registration fees, and all taxes, except gross production and ad valorem taxes, on motor fuels and lubricants used to propel motor vehicles over public roadways, shall be used for the sole purpose of acquiring rights-of-way, constructing, maintaining, and policing such public roadways, and for the administration of such laws as may be prescribed by the Legislature pertaining to the supervision of traffic and safety on such roads; and for the payment of the principal and interest on county and road district bonds or warrants voted or issued prior to January 2, 1939, and declared eligible prior to January 2, 1945, for payment out of the County and Road District Highway Fund under existing law; provided, however, that one-fourth (1/4) of such net revenue from the motor fuel tax shall be allocated to the Available School Fund; and, provided, however, that the net revenue derived by counties from motor vehicle registration fees shall never be less than the maximum amounts allowed to be retained by each County and the percentage allowed to be retained by each County under the laws in effect on January 1, 1945. Nothing contained herein shall be construed as authorizing the pledging of the State's credit for any purpose.

(Added Nov. 5, 1946.)

Sec. 7-b. USE OF REVENUES FROM FEDERAL REIMBURSEMENT. All revenues received from the federal government as reimbursement for state expenditures of funds that are themselves dedicated for acquiring rights-of-way and constructing, maintaining, and policing public roadways are also constitutionally dedicated and shall be used only for those purposes.

(Added Nov. 8, 1988.)

Sec. 7-c. DEDICATION OF REVENUE FROM STATE SALES AND USE TAX AND TAXES IMPOSED ON SALE, USE, OR RENTAL OF MOTOR VEHICLE TO STATE HIGHWAY FUND. (a) Subject to Subsections (d) and (e) of this section, in each state fiscal year, the comptroller of public accounts shall deposit to the credit of the state highway fund $2.5 billion of the net revenue derived from the imposition of the state sales and use tax on the sale, storage, use, or other consumption in this state of taxable items under Chapter 151, Tax Code, or its successor, that exceeds the first $28 billion of that revenue coming into the treasury in that state fiscal year.

(b) Subject to Subsections (d) and (e) of this section, in each state fiscal year, the comptroller of public accounts shall deposit to the credit of the state highway fund an amount equal to 35 percent of the net revenue derived from the tax authorized by Chapter 152, Tax Code, or its successor, and imposed on the sale, use, or rental of a motor vehicle that exceeds the first $5 billion of that revenue coming into the treasury in that state fiscal year.

(c) Money deposited to the credit of the state highway fund under this section may be appropriated only to:

(1) construct, maintain, or acquire rights-of-way for public roadways other than toll roads; or

(2) repay the principal of and interest on general obligation bonds issued as authorized by Section 49-p, Article III, of this constitution.

(d) The legislature by adoption of a resolution approved by a record vote of two-thirds of the members of each house of the legislature may direct the comptroller of public accounts to reduce the amount of money deposited to the credit of the state highway fund under Subsection (a) or (b) of this section. The comptroller may be directed to make that reduction only:

(1) in the state fiscal year in which the resolution is adopted, or in either of the following two state fiscal years; and

(2) by an amount or percentage that does not result in a reduction of more than 50 percent of the amount that would otherwise be deposited to the fund in the affected state fiscal year under the applicable subsection of this section.

(e) Subject to Subsection (f) of this section, the duty of the comptroller of public accounts to make a deposit under this section expires:

(1) August 31, 2032, for a deposit required by Subsection (a) of this section; and

(2) August 31, 2029, for a deposit required by Subsection (b) of this section.

(f) The legislature by adoption of a resolution approved by a record vote of a majority of the members of each house of the legislature may extend, in 10-year increments, the duty of the comptroller of public accounts to make a deposit under Subsection (a) or (b) of this section beyond the applicable date prescribed by Subsection (e) of this section.

(Added Nov. 3, 2015.)

Sec. 7-d. APPROPRIATION AND ALLOCATION OF REVENUE FROM STATE SALES AND USE TAXES ON SPORTING GOODS. (a) Subject to Subsection (b) of this section, for each state fiscal year, the net revenue received from the collection of any state taxes imposed on the sale, storage, use, or other consumption in this state of sporting goods that were subject to taxation on January 1, 2019, under Chapter 151, Tax Code, is automatically appropriated when received to the Parks and Wildlife Department and the Texas Historical Commission, or their successors in function, and is allocated between those agencies as provided by general law. The legislature by general law may provide limitations on the use of money appropriated under this subsection.

(b) The legislature by adoption of a resolution approved by a record vote of two-thirds of the members of each house of the legislature may direct the comptroller of public accounts to reduce the amount of money appropriated to the Parks and Wildlife Department and the Texas Historical Commission, or their successors in function, under Subsection (a) of this section. The comptroller may be directed to make that reduction only:

(1) in the state fiscal year in which the resolution is adopted, or in either of the following two state fiscal years; and

(2) by an amount that does not result in a reduction of more than 50 percent of the amount that would otherwise be appropriated to the Parks and Wildlife Department and the Texas Historical Commission, or their successors in function, in the affected state fiscal year under Subsection (a) of this section.

(c) Money appropriated to the Parks and Wildlife Department and the Texas Historical Commission, or their successors in function, under Subsection (a) of this section may not be considered available for certification by the comptroller of public accounts under Section 49a(b), Article III, of this constitution.

(d) In this section, "sporting goods" means an item of tangible personal property designed and sold for use in a sport or sporting activity, excluding apparel and footwear except that which is suitable only for use in a sport or sporting activity, and excluding board games, electronic games and similar devices, aircraft and powered vehicles, and replacement parts and accessories for any excluded item.

(Added Nov. 5, 2019.)

Sec. 8. ASSESSMENT AND COLLECTION OF TAXES ON PROPERTY OF RAILROAD COMPANIES. All property of railroad companies shall be assessed, and the taxes collected in the several counties in which said property is situated,

including so much of the roadbed and fixtures as shall be in each county. The rolling stock may be assessed in gross in the county where the principal office of the company is located, and the county tax paid upon it shall be apportioned as provided by general law in proportion to the distance such road may run through any such county, among the several counties through which the road passes, as a part of their tax assets.

(Feb. 15, 1876. Amended Nov. 4, 1986.)

Sec. 9. MAXIMUM COUNTY, CITY, AND TOWN TAX RATES; COUNTY FUNDS; LOCAL ROAD LAWS. (a) No county, city or town shall levy a tax rate in excess of Eighty Cents (80¢) on the One Hundred Dollars ($100) valuation in any one (1) year for general fund, permanent improvement fund, road and bridge fund and jury fund purposes.

(b) At the time the Commissioners Court meets to levy the annual tax rate for each county it shall levy whatever tax rate may be needed for the four (4) constitutional purposes; namely, general fund, permanent improvement fund, road and bridge fund and jury fund so long as the Court does not impair any outstanding bonds or other obligations and so long as the total of the foregoing tax levies does not exceed Eighty Cents (80¢) on the One Hundred Dollars ($100) valuation in any one (1) year. Once the Court has levied the annual tax rate, the same shall remain in force and effect during that taxable year.

(c) The Legislature may authorize an additional annual ad valorem tax to be levied and collected for the further maintenance of the public roads; provided, that a majority of the qualified voters of the county voting at an election to be held for that purpose shall approve the tax, not to exceed Fifteen Cents (15¢) on the One Hundred Dollars ($100) valuation of the property subject to taxation in such county.

(d) Any county may put all tax money collected by the county into one general fund, without regard to the purpose or source of each tax.

(e) The Legislature may pass local laws for the maintenance of the public roads and highways, without the local notice required for special or local laws.

(f) This Section shall not be construed as a limitation of powers delegated to counties, cities or towns by any other Section or Sections of this Constitution.

(Feb. 15, 1876. Amended Aug. 14, 1883, Nov. 4, 1890, Nov. 6, 1906, Nov. 7, 1944, Nov. 6, 1956, Nov. 11, 1967, and Nov. 2, 1999.) (TEMPORARY TRANSITION PROVISIONS for Sec. 9: See Appendix, Note 1.)

Sec. 10. RELEASE FROM PAYMENT OF TAXES RESTRICTED. The Legislature shall have no power to release the inhabitants of, or property in, any county, city or town from the payment of taxes levied for State or County purposes, unless in case of great public calamity in any such county, city or town, when such release may be made by a vote of two-thirds of each House of the Legislature.

(Feb. 15, 1876.)

Sec. 11. PLACE OF ASSESSMENT OF PROPERTY FOR TAXATION; VALUE OF PROPERTY NOT RENDERED BY OWNER FOR TAXATION. All property, whether owned by persons or corporations shall be assessed for taxation, and the taxes paid in the county where situated, but the Legislature may, by a two-thirds vote, authorize the payment of taxes of non-residents of counties to be made at the office of the Comptroller of Public Accounts. And all lands and other property not rendered for taxation by the owner thereof shall be assessed at its fair value by the proper officer.

(Feb. 15, 1876.)

Sec. 12. (Repealed Aug. 5, 1969.)

Sec. 13. SALES OF LANDS AND OTHER PROPERTY FOR UNPAID TAXES; REDEMPTION. (a) Provision shall be made by the Legislature for the sale of a sufficient portion of all lands and other property for the taxes due thereon that have not been paid.

(b) The deed of conveyance to the purchaser for all lands and other property thus sold shall be held to vest a good and perfect title in the purchaser thereof, subject only to redemption as provided by this section or impeachment for actual fraud.

(c) The former owner of a residence homestead, land designated for agricultural use, or a mineral interest sold for unpaid taxes shall within two years from date of the filing for record of the Purchaser's Deed have the right to redeem the property on the following basis:

(1) Within the first year of the redemption period, upon the payment of the amount of money paid for the property, including the Tax Deed Recording Fee and all taxes, penalties, interest, and costs paid plus an amount not exceeding 25 percent of the aggregate total; and

(2) Within the last year of the redemption period, upon the payment of the amount of money paid for the property, including the Tax Deed Recording Fee and all taxes, penalties, interest, and costs paid plus an amount not exceeding 50 percent of the aggregate total.

(d) If the residence homestead or land designated for agricultural use is sold pursuant to a suit to enforce the collection of the unpaid taxes, the Legislature may limit the application of Subsection (c) of this section to property used as a residence homestead when the suit was filed and to land designated for agricultural use when the suit was filed.

(e) The former owner of real property not covered by Subsection (c) of this section sold for unpaid taxes shall within six months from the date of filing for record of the Purchaser's Deed have the right to redeem the property upon the payment of the amount of money paid for the property, including the Tax Deed Recording Fee and all taxes, penalties, interest, and costs paid plus an amount not exceeding 25 percent of the aggregate total.

(Feb. 15, 1876. Amended Nov. 8, 1932; Subsecs. (a)-(c) amended and (d) and (e) added Nov. 2, 1993; Subsecs. (c) and (d) amended Sept. 13, 2003.)

Sec. 14. ASSESSOR AND COLLECTOR OF TAXES. (a) The qualified voters of each county shall elect an assessor-collector of taxes for the county, except as otherwise provided by this section.

(b) In any county having a population of less than 10,000 inhabitants, as determined by the most recent decennial census of the United States, the sheriff of the county, in addition to that officer's other duties, shall be the assessor-collector of taxes, except that the commissioners court of such a county may submit to the qualified voters of the county at an election the question of electing an assessor-collector of taxes as a county officer separate from the office of sheriff. If a majority of the voters voting in such an election approve of electing an assessor-collector of taxes for the county, then such official shall be elected at the next general election for the constitutional term of office as is provided for other tax assessor-collectors in this state.

(c) An assessor-collector of taxes shall hold office for four years; and shall perform all the duties with respect to assessing property for the purpose of taxation and of collecting taxes, as may be prescribed by the Legislature.

(Feb. 15, 1876. Amended Nov. 8, 1932, Nov. 2, 1954, and Nov. 6, 2001.)
(TEMPORARY TRANSITION PROVISION for Sec. 14: See Appendix, Note 3.)

Sec. 15. LIEN OF ASSESSMENT; SEIZURE AND SALE OF PROPERTY OF DELINQUENT TAXPAYER. The annual assessment made upon landed property shall be a special lien thereon; and all property, both real and personal, belonging to any delinquent tax payer shall be liable to seizure and sale for the payment of all the taxes and penalties due by such delinquent; and such property may be sold for the payment of the taxes and penalties due by such delinquent, under such regulations as the Legislature may provide.

(Feb. 15, 1876.)

Sec. 16. (Repealed Nov. 6, 2001.)

(TEMPORARY TRANSITION PROVISION for Sec. 16: See Appendix, Note 3.)

Sec. 16a. (Repealed Nov. 6, 2001.)

(TEMPORARY TRANSITION PROVISIONS for Sec. 16a: See Appendix, Notes 1 and 3.)

Sec. 17. SPECIFICATION OF SUBJECTS NOT LIMITATION OF LEGISLATURE'S POWER OF TAXATION. The specification of the objects and subjects of taxation shall not deprive the Legislature of the power to require other subjects or objects to be taxed in such manner as may be,† consistent with the principles of taxation fixed in this Constitution.

(Feb. 15, 1876.)
† The language of this provision is identical to the language of the official legislative measure that originally proposed the provision. A digital image of the original text of the official enrolled measure can be found here.

Sec. 18. EQUALIZATION OF PROPERTY VALUATIONS FOR TAXATION; SINGLE APPRAISAL AND SINGLE BOARD OF EQUALIZATION. (a) The Legislature shall provide for equalizing, as near as may be, the valuation of all property subject to or rendered for taxation, and may also provide for the classification of all lands with reference to their value in the several counties.

(b) A single appraisal within each county of all property subject to ad valorem taxation by the county and all other taxing units located therein shall be provided by general law. The Legislature, by general law,

may authorize appraisals outside a county when political subdivisions are situated in more than one county or when two or more counties elect to consolidate appraisal services.

(c) The Legislature, by general law, shall provide for a single board of equalization for each appraisal entity consisting of qualified persons residing within the territory appraised by that entity. The Legislature, by general law, may authorize a single board of equalization for two or more adjoining appraisal entities that elect to provide for consolidated equalizations. Members of a board of equalization may not be elected officials of a county or of the governing body of a taxing unit.

(d) The Legislature shall prescribe by general law the methods, timing, and administrative process for implementing the requirements of this section.

(Feb. 15, 1876. Amended Nov. 4, 1980; Subsec. (c) amended Nov. 3, 2009.)

Sec. 19. EXEMPTION FROM TAXATION OF FARM PRODUCTS, LIVESTOCK, POULTRY, AND FAMILY SUPPLIES. Farm products, livestock, and poultry in the hands of the producer, and family supplies for home and farm use, are exempt from all taxation until otherwise directed by a two-thirds vote of all the members elect to both houses of the Legislature.

(Added Sep. 2, 1879; amended Nov. 3, 1981.)

Sec. 19a. EXEMPTION FROM AD VALOREM TAXATION OF IMPLEMENTS OF HUSBANDRY. Implements of husbandry that are used in the production of farm or ranch products are exempt from ad valorem taxation.

(Added Nov. 2, 1982.)

Sec. 20. AD VALOREM TAXATION OF PROPERTY AT VALUE EXCEEDING FAIR CASH MARKET VALUE PROHIBITED; DISCOUNTS FOR ADVANCE PAYMENT. No property of any kind in this State shall ever be assessed for ad valorem taxes at a greater value than its fair cash market value nor shall any Board of Equalization of any governmental or political subdivision or taxing district within this State fix the value of any property for tax purposes at more than its fair cash market value; provided that in order to encourage the prompt payment of taxes, the Legislature shall have the power to provide that the taxpayer shall be allowed by the State and all governmental and political subdivisions and taxing districts of the State a three per cent (3%) discount on ad valorem taxes due the State or due any governmental or

political subdivision or taxing district of the State if such taxes are paid ninety (90) days before the date when they would otherwise become delinquent; and the taxpayer shall be allowed a two per cent (2%) discount on said taxes if paid sixty (60) days before said taxes would become delinquent; and the taxpayer shall be allowed a one per cent (1%) discount if said taxes are paid thirty (30) days before they would otherwise become delinquent. The Legislature shall pass necessary laws for the proper administration of this Section.

(Added Aug. 23, 1937; amended Nov. 2, 1999.) (TEMPORARY TRANSITION PROVISIONS for Sec. 20: See Appendix, Note 1.)

Sec. 21. INCREASE IN TOTAL AMOUNT OF PROPERTY TAXES IMPOSED PROHIBITED WITHOUT NOTICE AND HEARING; CALCULATION AND NOTICE TO PROPERTY OWNERS. (a) Subject to any exceptions prescribed by general law, the total amount of property taxes imposed by a political subdivision in any year may not exceed the total amount of property taxes imposed by that subdivision in the preceding year unless the governing body of the subdivision gives notice of its intent to consider an increase in taxes and holds a public hearing on the proposed increase before it increases those total taxes. The legislature shall prescribe by law the form, content, timing, and methods of giving the notice and the rules for the conduct of the hearing.

(b) In calculating the total amount of taxes imposed in the current year for the purposes of Subsection (a) of this section, the taxes on property in territory added to the political subdivision since the preceding year and on new improvements that were not taxable in the preceding year are excluded. In calculating the total amount of taxes imposed in the preceding year for the purposes of Subsection (a) of this section, the taxes imposed on real property that is not taxable by the subdivision in the current year are excluded.

(c) The legislature by general law shall require that, subject to reasonable exceptions, a property owner be given notice of a revaluation of his property and a reasonable estimate of the amount of taxes that would be imposed on his property if the total amount of property taxes for the subdivision were not increased according to any law enacted pursuant to Subsection (a) of this section. The notice must be given before the procedures required in Subsection (a) are instituted.

(Added Nov. 7, 1978; Subsec. (c) amended Nov. 3, 1981.)

Sec. 22. RESTRICTION ON RATE OF GROWTH OF APPROPRIATIONS. (a) In no biennium shall the rate of growth of appropriations from state tax revenues not dedicated by this constitution exceed the estimated rate of growth of the state's economy. The legislature shall provide by general law procedures to implement this subsection.

(a-1) Appropriations from state tax revenues not dedicated by this constitution that are made for the purpose of paying for ad valorem tax relief as identified by the legislature by general law are not included as appropriations for purposes of determining whether the rate of growth of appropriations exceeds the limitation prescribed by Subsection (a) of this section.

(b) If the legislature by adoption of a resolution approved by a record vote of a majority of the members of each house finds that an emergency exists and identifies the nature of the emergency, the legislature may provide for appropriations in excess of the amount authorized by Subsection (a) of this section. The excess authorized under this subsection may not exceed the amount specified in the resolution.

(c) In no case shall appropriations exceed revenues as provided in Article III, Section 49a, of this constitution. Nothing in this section shall be construed to alter, amend, or repeal Article III, Section 49a, of this constitution.

(Added Nov. 7, 1978; Subsec. (a-1) added Nov. 7, 2023.) (TEMPORARY PROVISION for Sec. 22: See Appendix, Note 7.)

Sec. 23. STATEWIDE APPRAISAL OF REAL PROPERTY FOR AD VALOREM TAX PURPOSES PROHIBITED; ENFORCEMENT OF APPRAISAL STANDARDS AND PROCEDURES. (a) There shall be no statewide appraisal of real property for ad valorem tax purposes; however, this shall not preclude formula distribution of tax revenues to political subdivisions of the state.

(b) Administrative and judicial enforcement of uniform standards and procedures for appraisal of property for ad valorem tax purposes shall be prescribed by general law.

(Added Nov. 7, 1978; Subsec. (b) amended Nov. 3, 2009.)

Sec. 24. (Repealed Nov. 5, 2019.)

Sec. 24-a. INDIVIDUAL INCOME TAX PROHIBITED. The legislature may not impose a tax on the net incomes of individuals, including an individual's

share of partnership and unincorporated association income.

(Added Nov. 5, 2019.)

Sec. 25. WEALTH TAX PROHIBITED. The legislature may not impose a tax based on the wealth or net worth of an individual or family, including a tax based on the difference between the assets and liabilities of an individual or family.

(Added Nov. 7, 2023.)

Sec. 29. TRANSFER TAX ON TRANSACTION CONVEYING FEE SIMPLE TITLE TO REAL PROPERTY PROHIBITED. (a) After January 1, 2016, no law may be enacted that imposes a transfer tax on a transaction that conveys fee simple title to real property.

(b) This section does not prohibit:

(1) the imposition of a general business tax measured by business activity;

(2) the imposition of a tax on the production of minerals;

(3) the imposition of a tax on the issuance of title insurance; or

(4) the change of a rate of a tax in existence on January 1, 2016.

(Added Nov. 3, 2015.)

Tab D: Joint Mot. to Lift Abatement, *Maxwell v. Tex. Att'y Gen.'s Office*, Dkt. No. 407-21-1860 (SOAH, Mar. 28, 2023)

CONFIDENTIAL

SOAH DOCKET NO. 407-21-1860-F5

DAVID M. MAXWELL, JR., ***Petitioner,***	§	**BEFORE THE STATE OFFICE**
vs.	§	**OF**
TEXAS ATTORNEY GENERAL ***Respondent.***	§	**ADMINISTRATIVE HEARINGS**

JOINT MOTION TO LIFT ABATEMENT AND ENTER ORDER CORRECTING SEPARATION OF LICENSEE REPORT

Petitioner David Maxwell, Jr. filed a PETITION TO CORRECT SEPARATION OF LICENSEE REPORT, seeking to correct the designation of his separation from the Texas Attorney General from "general discharge" to "honorably discharged."

The Parties have reached a settlement in this matter and the Texas Attorney General no longer opposes this correction.

The parties therefore jointly ask that this Court to lift the portion of ORDER NO. 2 abating this case and enter an order directing the Texas Commission on Law Enforcement to change Maxwell's SEPARATION OF LICENSEE REPORT to reflect the designation "honorably discharged."

KEN PAXTON
Attorney General of Texas

BRENT WEBSTER
First Assistant Attorney General

GRANT DORFMAN
Deputy First Assistant Attorney General

SHAWN COWLES

Deputy Attorney General for Civil Litigation

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/s/ Johnathan Stone
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Counsel for Petitioner

CERTIFICATE OF SERVICE

I, **JOHNATHAN STONE**, Assistant Attorney General of Texas, hereby certify that a true and correct copy of the foregoing document has been served electronically through the electronic-filing manager in compliance with TRCP 21a to all counsels of record on March 28, 2023.

/s/ Johnathan Stone
JOHNATHAN STONE
Assistant Attorney General

Tab E: Order Granting Motion to Lift Abatement, *Maxwell v. Tex. Att'y Gen.'s Office*, Dkt. No. 407-21-1860 (SOAH, Mar. 29, 2023)

CONFIDENTIAL

SOAH Docket No. 407-21-1860 **Suffix: F5**

BEFORE THE STATE OFFICE OF ADMINISTRATIVE HEARINGS

DAVID M. MAXWELL,
PETITIONER
V.
TEXAS ATTORNEY GENERAL'S OFFICE,
RESPONDENT

ORDER GRANTING MOTION TO LIFT ABATEMENT, ORDERING F-5 REPORT CHANGED, AND DISMISSING CASE

On November 2, 2020, David M. Maxwell (Petitioner) separated from employment as a peace officer with the Texas Office of Attorney General (OAG). Petitioner's F-5 Report of Separation of Licensee (F-5 Report) filed with the Texas Commission on Law Enforcement (TCOLE) indicated that he received a General Discharge. On December 23, 2020, Petitioner filed a Petition to Correct the F-5 Report, requesting an Honorable Discharge.

On March 31, 2021, TCOLE referred this matter to the State Office of Administrative Hearings (SOAH) for a hearing on the merits. Subsequently, in an order issued May 21, 2021, the Administrative Law Judge (ALJ) granted OAG's motion to abate this case while a closely related lawsuit between the parties proceeded. The parties have filed regular status reports since.

On March 28, 2023, the parties filed a Joint Motion to Lift Abatement and Enter Order Correcting Separation of Licensee Report. The Joint Motion states that the parties have settled their dispute and now agree that Petitioner's F-5 Report should be changed to reflect that he was honorably discharged.

In this case, OAG would have the burden of proof to present evidence of any wrongdoing that would support a designation other than an honorable discharge.[1] If the alleged misconduct is not supported by a preponderance of the evidence, the ALJ must order TCOLE to change the report.[2] Here, given OAG's agreement to change Petitioner's F-5 report, the ALJ finds there is no evidence to support the contested general discharge designation. Therefore, it is **ORDERED** that the F-5 Report of Separation of Licensee submitted to TCOLE by the OAG for David M. Maxwell shall be changed to reflect an Honorable Discharge.

The Joint Motion did not expressly ask to dismiss this case. However, because the parties have settled all matters in dispute, and because the ordered change to Petitioner's F-5 Report moots the claim asserted in his petition, this case

[1] Tex. Occ. Code § 1701.4525(e); 37 Tex. Admin. Code § 217.8(d).

[2] Tex. Occ. Code § 1701.4525(e); 37 Tex. Admin. Code § 217.8(e)

is hereby **DISMISSED** from the docket of the State Office of Administrative Hearings pursuant to 1 Texas Administrative Code § 155.503(d)(1)(C).

Signed March 28, 2023

ALJ Signature:

Sarah Starnes

Sarah Starnes

Presiding Administrative Law Judge

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Envelope ID: 74108028
Filing Code Description: Order Granting Motion to Dismiss
Filing Description: ORDER GRANTING MOTION TO LIFT ABATEMENT, ORDERING F-5 REPORT CHANGED, & DISMISSING CASE
Status as of 3/29/2023 8:15 AM CST

Associated Case Party: Texas Attorney General's Office

Name	BarNumber	Email	TimestampSubmitted	Status
LASHANDA GREEN		lashanda.green@oag.texas.gov	3/29/2023 8:01:25 AM	SENT
Johnathan Stone		johnathan.stone@oag.texas.gov	3/29/2023 8:01:25 AM	SENT

Associated Case Party: DavidM.Maxwell

Name	BarNumber	Email	TimestampSubmitted	Status
Thomas J.Turner		tturner@cstrial.com	3/29/2023 8:01:25 AM	SENT
Kiara Dial		kdial@cstrial.com	3/29/2023 8:01:25 AM	SENT

Tab F: Order Denying Defendant's Motion to Enforce Rule 11 Settlement Agreement, No. D-1-GN-20-006861 (Dec. 20, 2023)

CAUSE NO. D-1-GN-20-006861

JAMES BLAKE BRICKMAN, DAVID MAXWELL, J. MARK PENLEY, and RYAN M. VASSAR Plaintiffs,	§ § § § §	IN THE DISTRICT COURT OF
v.	§	TRAVIS COUNTY, TEXAS
OFFICE OF THE ATTORNEY GENERAL OF THE STATE OF TEXAS	§ §	
Defendant.	§	250th JUDICIAL DISTRICT

ORDER DENYING MOTION TO ENFORCE
RULE 11 SETTLEMENT AGREEMENTDISMISS

On this date, the Court considered Defendant's Motion to Enforce Rule 11 Settlement Agreement, and the Court finds that it should be and is hereby DENIED.

Signed this 20th day of December, 2023.

Jan Soifer
District Judge Presiding

Tab G: Proposed Order Granting Plaintiffs' Motion to Compel Depositions, No. D-1-GN-20-006861 (Dec. __, 2023)

Cause No. D-1-GN-20-006861

JAMES BLAKE BRICKMAN,	§	IN THE DISTRICT COURT
DAVID MAXWELL,	§	
J. MARK PENLEY, and	§	
RYAN M. VASSAR	§	
Plaintiffs,	§	
	§	TRAVIS COUNTY, TEXAS
vs.	§	
	§	
OFFICE OF THE ATTORNEY GENERAL	§	
OF THE STATE OF TEXAS	§	
Defendant	§	250th JUDICIAL DISTRICT

ORDER GRANTING PLAINTIFFS' MOTION TO COMPEL DEPOSITIONS OF KEN PAXTON, BRENT WEBSTER, LESLEY FRENCH HENNEKE AND MICHELLE SMITH

On this day the Court considered Plaintiffs' Motion to Compel Depositions of Ken Paxton, Brent Webster, Lesley French Henneke and Michelle Smith ("Motion to Compel").

Having conducted a hearing and having considered the Motion to Compel and any responses on file, and having considered the Motion to Quash Plaintiffs' Notices of Oral Depositions and for Protective Order ("Motion to Quash"), the Court is of the opinion that the Motion to Compel should be GRANTED.

IT IS THEREFORE ORDERED that Plaintiffs' Motion to Compel Depositions of Ken Paxton, Brent Webster, Lesley French Henneke and Michelle Smith is hereby GRANTED.

IT IS FURTHER ORDERED that Warren Kenneth Paxton, Brent Webster, Lesley French Henneke and Michelle Smith appear for oral deposition no later than February 9, 2024.

IT IS FURTHER ORDERED that the parties promptly negotiate in good faith to schedule these depositions consistent with this order, but that none of these depositions may be scheduled prior to January 16, 2024.

If the parties are unable to promptly reach agreement on scheduling these depositions, any party may notify the Court of the impasse and request a supplemental order setting specific dates and times for these depositions consistent with this order.

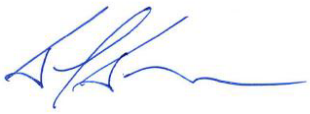
Signed this ___ day of December, 2023

_____
Jan Soifer
District Judge

Approved as to Form Only:

/s/
_____
Joe Knight
Attorney for Plaintiff Ryan Vassar

_____
Tom Nesbitt
Attorney for Plaintiff James Blake Brickman



_____
T.J. Turner
Attorney for Plaintiff David Maxwell

/s/
_____
Don Tittle
Attorney for Plaintiff Mark Penley

Approved as to form, but not substance

_____
William S. Helfand
Attorney for Defendant Office of the Attorney General

Automated Certificate of eService

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Nancy Villarreal on behalf of Lanora Pettit
Bar No. 24115221
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Envelope ID: 82847976
Filing Code Description: Original Proceeding Petition
Filing Description: 2023 1222 Brickman Mandamus Final
Status as of 12/22/2023 3:18 PM CST

Associated Case Party: Office of the Attorney General

Name	BarNumber	Email	TimestampSubmitted	Status
Lanora Pettit		lanora.pettit@oag.texas.gov	12/22/2023 2:30:03 PM	SENT
Kateland Jackson		kateland.jackson@oag.texas.gov	12/22/2023 2:30:03 PM	SENT

Case Contacts

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Maria Williamson		maria.williamson@oag.texas.gov	12/22/2023 2:30:03 PM	SENT
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Don A. Tittle	20080200	don@dontittlelaw.com	12/22/2023 2:30:03 PM	SENT
Thomas John Turner	24043967	tturner@cstrial.com	12/22/2023 2:30:03 PM	SENT
Joseph R. Knight	11601275	jknight@ebbklaw.com	12/22/2023 2:30:03 PM	SENT